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REPORTS OF COMMITTEES

OF THE

SENATE OF THE UNITED STATES

FOR THE

SECOND SESSION OF THE FORTY-EIGHTH CONGRESS

AND

SPECIAL SESSION, MARCH, 1885.

1884-'85.

IN TWO VOLUMES.

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TO THE

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FOR THE

SECOND SESSION OF THE FORTY-EIGHTH CONGRESS

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1293.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2480.]

The Committee on Pensions, to whom was referred the bill H. R. 2480, granting a pension to Margaret Kearns, respectfully report that they adopt the report of the committee, No. 857, made in first session of Forty-seventh Congress, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1103) granting a pension to Margaret Kearns, have examined the same, and report:

That they adopt so much of the House report made in this case as follows, viz:

"It appears from an examination of the papers in the case on file in the Pension Office, that the petitioner is the mother of James Kearns, sergeant Company G, Ninety-fourth New York Volunteers, who died July 20, 1864, at Petersburg, Va., of wounds at the time serving out a re-enlistment. The petitioner filed application May 18, 1868, which was rejected November 7, 1871, by the Pension Office, on the ground, 'As claimant was not dependent upon her son at his death, the claim is rejected.'"

There is a long affidavit filed by the claimant, and a large number of persons testify in the case. From them we glean these facts: That at the time of the soldier's death his mother was in a great measure dependent upon him for support, as her husband was suffering with rheumatism and weak eyes, as shown by L. McKay, M. D., June 3, 1869, who says he has "this day made a careful examination of Dennis Kearns, father of James Kearns, who was sergeant in Company G, Ninety-fourth New York Volunteers, and who died in the service." Deponent further says that he has attended and prescribed for the said Dennis Kearns for over eight years last past; that during that time he has treated said Kearns for fever and ague, rheumatism, and weak eyes—the two latter he is now suffering—and chronic troubles on account of old age and infirmities.

Eliza O'Grady testifies that she has been acquainted with claimant's family over thirteen years, and that before enlistment James Kearns was a shoemaker and worked at his trade, and that she knows of her own knowledge that he contributed what was necessary out of his earnings to the support of his father and mother.

Margaret Ryan, another neighbor, corroborates the evidence of last witness. Mrs. Margaret McNeary and Ann McMeniman, in a joint affidavit, testify substantially to the same facts.

There is an original letter among the papers of the deceased soldier, dated Rappahannock Station, August 18, 1862, addressed—

DEAR PARENTS: This day, by the chaplain of our regiment, I send you $20 by Adams's Express.

The soldier's remittances seem to have helped the old people to get a small domicile for their declining years.

Your committee further find from the sworn affidavit of claimant on file in the papers, dated on the 30th September, 1870, that up to the date of enlistment of her son James neither the claimant nor her husband had property of any kind, except a small amount of household property, and that after the enlistment of the soldier the parents purchased a house and lot, which was paid for out of the bounty and pay of the soldier; that claimant, in addition to the bounty received, also, after the death of the soldier, received over $300 back pay, which was expended in repairs and additions to said property, making it worth, at the date of the affidavit, about $800.

It further appears that Dennis Kearns, the husband of the claimant, was employed at the date of the enlistment of the son as watchman on a railroad at $25 per month, which was subsequently increased to $30, $35, and $40 per month, and was receiving $1.37 per day at the date of said affidavit.

It also appears that claimant has three other children who resided with her at the date of said affidavit, and all contributed to the support of the family by paying board out of their wages.

Your committee are of opinion, from the evidence on file, that claimant was not dependent upon her son for support at the time of his death, and that there is no good reason for reversing the action of the Commissioner of Pensions in this case, and therefore recommend the indefinite postponement of the bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1294.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. KENNA, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 89.]

The Committee on Claims, to whom was referred the bill (S. 89) for the relief of Mrs. E. E. Hebert, having considered the same, respectfully submit the following report:

It appears from the evidence filed in the case that in 1863–'64 J. J. Hebert, then the husband of claimant, was the owner of a plantation, in Iberville Parish, Louisiana, and that he had thereon a large quantity of corn, cord-wood, and lumber in various forms, besides considerable and valuable stock, consisting of cattle, hogs, sheep, horses, &c. Under the revised civil code of Louisiana Mrs. Hebert was the joint owner of this personalty. (Revised Civil Code, pp. 440, 441, 442.)

In the winter of 1863 the Federal forces under the command of General Halbert E. Paine encamped at Indian Village, in the neighborhood of the Hebert plantation. In General Paine's affidavit it is stated that "he has no doubt that all the forage, fuel, corn, and wood used by his command, which consisted of the Fourth Wisconsin, Eighth New Hampshire, One hundred and thirty-third New York, One hundred and seventy-fifth New York Regiments, and a battery of artillery of the Regular Army, during the time they remained at Indian Village and Plaquemine and at the intermediate post mentioned, were taken from the neighborhood."

In 1873 Mrs. Hebert presented to the Southern Claims Commission an account for property alleged to have been taken from said plantation by General Paine's forces as follows:

8,000 barrels corn, at $1.50	$12,000 00
500 cords of wood, at $6	3,000 00
100 chickens, at $1	100 00
200 turkeys, at $2	400 00
30 hogs, at $10	300 00
5 milch cows, at $100	500 00
8 oxen, at $50	400 00
5 horses, at $160	800 00
4 mules, at $125	500 00
Unknown quantity of lumber, consisting of hogsheads, staves, pickets, and posts, value estimated	5,000 00
	23,000 00

This account she claims to have intended to represent half the amount due for property taken and to have been based on her undivided half interest in the personal property of her husband and herself under the laws of Louisiana.

But she was advised by the clerk of the Southern Claims Comn sion that being a married woman she could have no standing in co She then withdrew her claim, repaired to Louisiana, and a year af wards returned with an assignment from her husband of his inter Her account was thereupon increased to $47,975, but it was too late present it to the Southern Claims Commission, and she came to C gress to seek relief. The assignment in this case seems to have b made under exceptional circumstances. The claimant was already sessed of a moiety. Her husband, who owned the other, is showr have been dissipated, and in great measure disqualified to look a his own or her interests. They have since been divorced.

The assignment reserves to him the one-eighth of such sum as be recovered, but to be paid in installments, and this seems to be ada to the condition which is ascribed to him. As in the assignment debtors to their creditors in the case of Dodd, Brown & Co., in wl Congress acted favorably upon an analogous state of facts, we regard circumstances as exceptional, and, as in that case, "we think they not within the reason of the prohibition of the statute, and we th Congress may rightfully and justly waive the enforcement of its lett

With regard to the merits of the claim it seems to be proven. to be regretted that Congress should be obliged to act in matters volving puplic interests and the individual citizen alike upon evid purely *ex parte pro* and *con*. But results must be reached one way or other and upon precisely this class of testimony. Upon the eviden this case, considered by every rule applicable to it, the claimant es lishes the following facts:

That the property in question was taken by the officers of Gen Paine's command for use by it in building quarters, for fuel, food, general and regular military use. The property was not taken by depredation of soldiers, but by the command of officers in authority, with the understanding that the claimants should look to the Un States for it, and that proper vouchers would be furnished before Federal forces left the neighborhood. They were ordered away in night, however, and no receipts or vouchers were given. These f are sufficiently shown by the testimony of officers in the command by a number of other witnesses. The loyalty of claimant and her band is likewise well established. There are items in the account w it is deemed proper to disallow, as they do not appear to be in the of ordinary supplies. The five favorable reports heretofore made in case differ somewhat in the amounts ascertained to be due. The lo sum found by any was $21,090, and a bill for this sum passed the H of Representatives, Forty-fourth Congress.

Your committee therefore report back the bill allowing the sum a said, and recommend that it pass.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1295. Views of minority.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

VIEWS OF THE MINORITY:

[To accompany bill H. R. 1091.]

The principal facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (H. R. Report No. 2410), as follows:

Charles H. Morgan graduated from the United States Military Academy July 1, 1857, rising through different grades to first lieutenant, April 1, 1861; captain, August 5, 1862; and major, February 5, 1867. Served as lieutenant-colonel and assistant inspector-general from January, 1863, to May, 1865, and as brigadier-general of volunteers from May 25, 1865, to January 15, 1866.

Adjutant-General forwarded report of soldier's death to Surgeon-General United States Army, to the effect that Maj. Charles H. Morgan, Fourth Artillery, brevet brigadier-general, United States Army, died of apoplexy December 20, 1875. Cause of death originated in the line of duty.

Dr. S. A. Storrow, assistant surgeon, United States Army, testifies, March 7, 1876, that Major Morgan was almost constantly under his care, professionally, from October 20, 1874, to June 26, 1875. He suffered from a frequently recurring difficulty of the brain. After any military exercises or protracted office work he suffered severely from headache, consequent upon determination of blood to the brain. He was suffering from a diseased state of the blood vessels, which finally caused his death. That the said Charles H. Morgan was strictly temperate in all his habits, and from his knowledge of the major's services throughout the whole rebellion can safely say his disease was contracted in the service of the United States.

Dr. Matthews also testifies, February 3, 1876, that he is assistant surgeon in the United States Army, and attended Major Morgan during his last illness, and was present when he died, at his post, on the 20th day of December, 1875, of apoplexy, resulting from a diseased condition of his arteries, and that to the best of his professional knowledge the disease was contracted in the line of duty in the military service of the United States.

Dr. C. E. Price repeats substantially the evidence given by his professional brethren, and says that he was present during Major Morgan's last illness, and that he died at his post at Alcatraz, Cal., on the 20th of December, 1875, and that his disease was contracted in the service.

These several statements of these Army surgeons is conclusive to your committee of the fact of the death resulting from disease contracted in the service.

It is shown by affidavit of Theodore S. R. Morgan, brother of Major Morgan that—

"He [Major Morgan] had no personal or real estate at the time of his death; that he was supported by his pay as major, and that he left no property to his widow, except some household effects; and, furthermore, that he knows that her income from all sources, including the pension she now receives of $25 per month, is about $550 per year, and that the expenses are about $880, showing that her expenses exceed her income about $330; that since her husband's decease she has been ill most of the time, requiring the attendance of a physician; that she has buried two of her children; that she has three children still living; an only son, who is in poor health, whom she is obliged to maintain, as he does not earn sufficient to pay for his personal clothing; and two daughters, school children. Deponent further states that the pension, with all other sources, will not support herself and children, as before shown."

Henry D. Didama, Mrs. Morgan's medical adviser, certifies to her poor condition of health, and corroborates the testimony of Theodore Morgan. These statements are further sustained by John J. Greenough, lawyer, of Syracuse, N. Y., and Joseph W. Taylow, of the same place, who have known Mrs. Morgan many years, and are competent to testify to her health and pecuniary condition.

A petition, signed by over one hundred prominent Army officers and citizens, asking that the pension be increased, appears among the papers. In the language of the petition—

"General Morgan's services to the Government were exceptional, even where so many were distinguished. His arduous labors in the field during the war, and his untiring devotion to duty subsequently, superinduced the disease which cut him off in the prime of his manhood."

That Major Morgan was held in high esteem by all who knew him in the Army, and also by civilians with whom he came in contact; that he was faithful to his duty, and performed arduous service, which resulted in his death; and that his widow should be recompensed for his loss, and that she needs the aid asked, is evidence conclusive to the committee that the bill H. R. 1091 should be passed, and they do so recommend, with the following amendments:- after the words "brigadier-general," in line 6, insert the words "and brigadier-general of volunteers." Amend title by adding: "and brigadier-general of volunteers."

The widow was pensioned, under the general law in 1876, at $25 per month, from December 21, 1875, the date of the officer's death. The minority of your committee report the bill favorably, and recommend its passage.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1296.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the folowing

REPORT:

[To accompany bill H. R. 4247.]

The Committee on Pensions, to whom was referred the bill (H. R. 4247) granting a pension to Anna Maria Ressler, have examined the same, and report:

The facts in this case are briefly stated in the report of the Committee on Invalid Pensions of the House of Representatives (H. R. Report No. 1153), as follows:

Lawrence Ressler was enlisted May 26, 1861, as a private in Company I, Seventh Pennsylvania Volunteers. The captain of said company, Joseph G. Holmes, testifies from personal knowledge that while in the line of duty the applicant, during the seven days' fight on the Peninsula, contracted a heavy cold, which settled on his chest. After service he was admitted to the general hospital parole, Camp Chase, Columbus, Ohio, November 12, 1862, with rheumatism; was returned to his regiment, and was then under treatment for lumbago till April 11, 1863; was treated, August, 1863, for orchitis; September 21 to October 4, 1863, was treated for gastritis.

Records of July 10, 1863, of a list of officers and men unfit for duty, excepting invalid corps, shows him to have been at Alexandria, Va.; to have been disabled eight months from chronic rheumatism and epididymitis, on account of which disease he was transferred to Sixty-fourth [?] Company [?] B, Company H, Twentieth Regiment Veteran Reserve Corps, October 7, 1863.

He appears again, October 14, 1863, at post hospital, Cliffburn Barracks, Washington, D. C., with intermittent fever; mustered out in 1864; December 29, 1868, entered hospital at Saint Louis, Mo., with acute diarrhea; left January, 1869; entered again March 16, 1869, and died, according to record of hospital, of acute bronchitis April 3, 1869. Pension was claimed by widow on ground that soldier died of consumption contracted in service.

The testimony of reputable persons, who knew the soldier long and well, including Captain Holmes, is overwhelming that prior to enlistment he was a sound man, and that from the time of service in the Peninsula his health began to fail, and so continued to fail to the time of his death. He was in humble circumstances, and because of this and a belief that medical attendance could avail nothing, resorted to home remedies exclusively for his ailments. The widow was therefore unable to supply any medical testimony as to his condition, and for this reason her claim was rejected.

There can be no doubt that the soldier's heroic fidelity to duty while suffering under a long catalogue of complicated diseases was ultimately the cause of his death. The committee therefore recommend that the bill do pass.

The claim was rejected by the Commissioner of Pensions on the ground that the disease of which the soldier died, acute bronchitis, was not incurred in the service.

Claimant is clearly proven to have been sound when he entered the

service and suffering with a deep-seated cough and from very exhausting expectoration at time of his discharge, from which he never recovered. He was so disabled in service as to have been transferred to the Veteran Reserve Corps.

From all the facts in the case your committee are disposed to attribute the death of this soldier to the disease he incurred in the military service, and therefore recommend the passage of the bill.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2521.]

The Committee on Pensions, to whom was referred the bill (S. 2521) granting a pension to Mrs. Antonia B. Lynch, have examined the same, and report:

That it appears by the letter of the Commissioner of Pensions, transmitting the papers in the case of this claimant, under date of February 2, 1885, that her claim is still pending, and awaits evidence relative to marriage, origin of fatal disease, and medical certificate of the War Department, called for in recent communications. Her application was only filed in October, 1884.

Your committee therefore recommend that the bill be indefinitely postponed.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1298.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6826.]

The Committee on Pensions, to whom was referred the bill (H. R. 6826) granting a pension to Rebecca Kupp, have examined the same, and report:

That the facts in this case are set forth in the report of the Committee on Invalid Pensions of the House of Representatives (H. R. Report No. 1601), as follows:

As shown by the papers from the Pension Office, Rebecca Kupp is the mother of George Kupp, who was killed in action October 29, 1864, while serving as a private in Company B, Fifty-third Pennsylvania Volunteers. Her claim for pension has been rejected on the ground that she was not dependent upon the soldier at the time of his death, the husband at that time receiving a salary of $125 per month.

Your committee have given the evidence filed in the support of the claim a very careful examination, and find the following facts:

Claimant's husband and the father of the soldier was, prior to the war, possessed of considerable property, and engaged in railroad contracts in the State of Virginia. To carry on these contracts he encumbered his property. At the breaking out of the war it became necessary for him to suspend operations in Virginia, and all of his real estate became so heavily encumbered that an estate assessed at $22,273 at date of his death, in 1866, realized 26 per cent. only to his creditors, leaving the claimant without means of support. Shortly after the return of claimant's husband from Virginia, he was appointed provost-marshal of Berks County, Pennsylvania, which position he held until in March, 1864, at a salary of $125 per month. The salary thus received was absorbed, however, in payment of pressing demands made by numerous creditors, leaving the claimant dependent upon the income from the heavily encumbered farm, which she managed during the absence of her husband in Virginia, and at his post of duty in Berks County, Pennsylvania, faithfully assisted by her son George, until he enlisted.

As heretofore stated, upon the death of her husband, claimant was left without any means of support, and not until the death of her father, a few years later, was she possessed of any property. With a small inheritance from him she purchased a small lot in Birdsborough, Pa., and erected thereon a dwelling, which was destroyed by fire in 1881, but immediately rebuilt by benovolent contributions of her neighbors. This property and all she possessess is, by the present law of that State, assessed at its full value—at $1,350.

The son's devotion to his mother, and his great assistance to her in the management of the farm during her husband's continuous absence, is clearly shown. It is also shown that every cent of the $300 local bounty received by the soldier at the time of his enlistment, in January, 1864, was given to the claimant, and that the soldier's wages were regularly forwarded to her during his service. On the evening before he received the fatal shot, the soldier, as though he had a premonition of his death, delivered to a comrade money and other valuables, with instructions, in case of his death to have the same delivered to his mother, and his dying words were expressive of his devotion to her.

Claimant's husband, as shown by the evidence, was subject to attacks of bilious

colic, and upon the unfortunate termination of the enterprise in which his all was invested his health became much impaired, until, at the age of forty-six years, he passed away, leaving her dependent upon the charity of the world.

While the action of the Pension Office in rejecting the claim may have been correct under the rules established for the administration of the pension laws, yet your committee are of opinion that relief should be afforded to her who, by the misfortunes of war, has been prematurely deprived of the association of a loving husband and a devoted son, and in her old age is left without the necessary means of support. The committee therefore report favorably on the bill, and ask that it do pass.

It appears that the husband of the claimant had not been in the position referred to for more than six months prior to their son's death, and that she at that time derived her support from the son's contributions as well as from the land, which was encumbered for more than it was worth. This would seem to fairly establish a partial and actual, though perhaps not a technical, dependence upon the soldier at the time of his death.

In view of all the facts your committee recommend the passage of the bill.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1299.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4548.]

The Committee on Pensions, to whom was referred the bill (H. R. 4548) granting a pension to Cordelia Gale, have examined the same, and report:

The main facts in this case are set forth in a letter addressed to the chairman of the Committee on Invalid Pensions, as follows:

DEPARTMENT OF THE INTERIOR,
PENSION OFFICE,
Washington, D. C., January 29, 1884.

SIR: Under the provisions of the joint resolution of Congress approved May 29, 1830, I have the honor to transmit herewith the papers in the case of Cordelia Gale, widow of Eben G. Gale, late of Company D, Second Michigan Cavalry, Application 185738, to consider the propriety of placing the widow's name upon the pension-roll by special act, inasmuch as it appears that the claim is a meritorious and deserving one which cannot be admitted under the general law.

It appears that soldier enlisted September 6, 1861, and served until August 2, 1862, when he was admitted to hospital for treatment for chronic diarrhea, and was finally discharged October 29, 1862, on account of said disease.

Medical testimony shows that he suffered from chronic diarrhea from the date of his discharge until his death, and that he died October 31, 1868, of pulmonary apoplexy, caused by wearing wet clothing. The claim has been rejected because soldier's death was not due to the military service.

The circumstances surrounding the soldier's death are of a peculiar nature, and present one of the strongest cases for equitable relief which I have met with. In brief, it appears that the soldier suffered from a severe and aggravated form of chronic diarrhea, complicated with lung and liver trouble, from discharge until death. On a day not long previous to his death the soldier left his home in a wagon, accompanied by his little boy, to deliver books which he had sold on subscription, and he had proceeded but a short distance when he became ill with chronic diarrhea and turned to go home again, and on his way back it appears that the boy cleaned his father's clothing in the creek. The soldier succeeded in reaching his employer's house, where he was placed in bed, and where he soon after died, as aforesaid.

I therefore submit the case to your consideration, with my opinion that relief should be granted the widow by special act of Congress, subject to the provisions and limitations of the general pension laws.

Very respectfully,

C. B. WALKER,
Acting Commissioner.

Hon. C. C. MATSON,
Chairman Committee on Invalid Pensions, House of Representatives.

Your committee concur in the recommendations of the Acting Commissioner of Pensions, and therefore report the bill with a recommendation that it do pass.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1300.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2670.]

The Committee on Pensions, to whom was referred the bill (H. R. 2670) granting a pension to Sarah A. Scott, have examined the same, and report:

The report of the Committee on Invalid Pensions of the House of Representatives in this case is as follows:

The committee find from official papers that John D. Scott was mustered into service September 6, 1861, as a private Company H, First Regiment Pennsylvania Cavalry, was promoted November 21, 1861, to first lieutenant, discharged September 13, 1862, died January 2, 1866.

The committee find good evidence prior to his enlistment that he enjoyed excellent health, and from the evidence of his captain, W. S. Craf, and Joseph Nut and others, that while in active service he contracted severe cold and rheumatism; that he suffered from pain in side and hip. This was shortly before his discharge.

Your committee also find from abundant evidence that immediately upon his return home, and up to the time of his death, his health was entirely broken and was altogether unlike his former self; that he continued to suffer from rheumatism contracted in service while in the Army.

Special examination was made by order of the Pension Office July, 1882, which was very extended, and the evidence is very conflicting as to his habits of drinking. In his last illness he was visited by a physician but once, and that more than two weeks before his death. There was some evidence that he was then suffering from drink.

But inasmuch as he was a strong, healthy man before, and while in service that he contracted rheumatism, and that from the time of his discharge till his death he was a mere wreck, suffering from disease contracted while in the service, the committee conclude that he died from that disease.

The committee, in view of all these facts, report the bill back, with a recommendation that it do pass.

The captain of his company swears that claimant contracted a severe cold in June, 1862, in line of duty. He had then been in service about ten months. He could not be sent to hospital, and was compelled to remain with his company until the fall of 1862, when he was sent to Washington, totally unfit for duty from the effects of the cold, which resulted in rheumatism of side and hip, which "rendered him entirely unfit for duty," and that he was never able to return to duty. His soundness at enlistment is proven beyond question, and he was suffering from rheumatism when he returned home immediately after discharge and was so afflicted continuously to the time of his death, the immediate cause of which was an overdose of morphia, prescribed by

his physician, to alleviate rheumatic pains. He was unconscious sev eral hours before his death, which, some witnesses testify, was cause by rheumatism of the heart.

Your committee believe that the disability of this soldier, incurred i service, was the remote, if not the immediate, cause of his death, an therefore conclude that his widow should be pensioned. They repor the bill favorably, and recommend that it do pass.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1301.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6205.]

The Committee on Pensions, to whom was referred the bill (H. R. 6205) granting a pension to Catherine S. Edmondson, have examined the same, and report:

The facts in this case are briefly stated in the report of the Committee on Invalid Pensions of the House of Representatives (H. R. No. 1455), as follows:

It is in evidence that William C. Edmondson enlisted as a private in Company I, Eighty-second Regiment Pennsylvania Volunteers, September 2, 1861. He served with his company and regiment until May 31, 1862, when, at the battle of Fair Oaks, Va., he was taken prisoner by the enemy. At the time he was captured, and for some four weeks prior thereto, he was and had been under the surgeon's care for a "severe cold, which had settled on his lungs," which cold had been contracted in the line of his duty from exposure while working in the intrenchments. After his capture by the enemy he was confined in Libby Prison, Richmond, Va., and his condition at the time of his capture was such that his subsequent confinement and want of proper medical treatment while a prisoner caused consumption of the lungs, from which he died in November, 1875. After he was exchanged he was in hospital during the remainder of his term of service, and he was discharged at Philadelphia, September 16, 1864, by reason of "expiration of term of service." He afterwards enlisted and served in the Veteran Reserve Corps—a branch of the service in which none could be enlisted except those who by some casualty of the service were disqualified for service in the field—from which he was discharged, at Springfield, Ill., February 28, 1866. It is also in evidence that this case was favorably reported at the second session of the Forty-third Congress, and at the second session of the Forty-fifth Congress.

It is shown that the deceased soldier was never married; that he contributed, prior to and during his military service, and since, to the date of his death, to the support of claimant, who is shown to be very poor now, and at the time of the death of the soldier. She is a widow, and without any means of support. Your committee, therefore, recommend the passage of the accompanying bill.

Several witnesses testify to the prior soundness of the soldier, and to his feeble health and diseased condition from the time of his discharge to his death.

Charles C. Bronson, M. D., the attending physician at the time of the soldier's death, testifies that from about 1874 to death the soldier was in a general decline, his disease, consumption of the lungs, complicated with eccentric hypertrophy of the heart. The official record gave the cause of death as "organic heart disease," and upon this record the

Department refused the widow's application, on the ground that such disease was not due to the service.

Your committee are of opinion that in view of the long service of the soldier, his hospital record and confinement in Confederate prisons, and the positive evidence of his family physician as to the heart disease, and his diseased and enfeebled condition, that the death of the soldier is fairly attributable to his service. They therefore report the bill with a recommendation that it do pass.

. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5387.]

e Committee on Pensions, to whom was referred the bill (H. R. 5387) ranting a pension to Amos Stroh, have examined the same, and report:

The claimant, Amos Stroh, late captain Company G, Eighty-first Pennlvania Volunteers, made application at the Department for a pension. is application was granted January 29, 1885, since the passage of the l by the House of Representatives, for lumbago, at $5 per month, m July 31, 1863, the date of his discharge.

Your committee therefore report back the bill, and recommend that be indefinitely postponed.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1303.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3681.]

The Committee on Pensions, to whom was referred the bill (H. R. 3681) granting a pension to William L. Sloan, have examined the same, and report:

That the claimant enlisted as a private in Company B, Third Minnesota Volunteers, October 17, 1861, for three years, at the end of which period he re-enlisted and served until September 2, 1865, when he was honorably discharged. In 1874 he filed a claim in the Pension Office for a pension, which was rejected on the ground that the claimant was diseased when he went into the military service.

The claimant alleged and proved before the Pension Commissioner that he was blind in one eye as the result of exposure and fatigue in the line of duty while in the service. There is some evidence in the case that the eye, the sight of which has since entirely failed, was weak and diseased, but there is much testimony that the eye was sound.

In view of the fact that the soldier served four years as a good and faithful man, that he was twice examined by the Government surgeon and passed as sound, and of the fact that, in 1864, he was compelled to go into the hospital for a time on account of trouble with his eye after marching in storms and suffering with neuralgia, your committee are of the opinion that the soldier should have his pension, and they therefore recommend the passage of the bill.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1304.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7302.]

The Committee on Pensions, to whom was referred the bill (H. R. 7302) granting a pension to Elisabeth Smith, have had the same under consideration, and beg leave to make the following report:

That the report of the House Committee on Pensions state the facts in the case, about which there is no dispute, and your committee adopt said report as a part hereof, and favor the passage of the bill.

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1188) for the relief of Charles Smith and Elisabeth Smith, have had the same under consideration, and beg leave to submit the following report:

Charles Smith and Elisabeth Smith are the foster parents of Albert Shaffer, who served as private in Company B, Thirteenth Ohio Cavalry, and while in said service lost a leg in action at Poplar Grove Church, Virginia, for which injury he was pensioned, and from the effects of which he died January 8, 1870. Albert Shaffer was adopted by said Charles and Elizabeth Smith when but twenty-two months of age, and was clothed and educated by the latter until he entered the service of the United States.

The foster parents in their declining years were much dependent upon their adopted son, who in his last will fully recognized his obligations to them. Charles Smith and Elisabeth Smith at time of the death of Shaffer were possessed of a small home, on which thereafter they were dependent for support.

Since the introduction of the bill under consideration Charles Smith has died, leaving his wife, Elisabeth Smith, with no means of support except the property referred to, upon which there is an indebtedness of $1,300, an amount greater than its actual value. The sale of this property will leave Elisabeth Smith penniless, and, being aged and unable to obtain subsistence by manual labor, she will suffer unless relief is granted her.

The committee are of opinion that, inasmuch as she has given to the country a son, although adopted, upon whom she could have looked for support in her old days, the relief asked for should be granted, and therefore submit the accompanying substitute bill, and ask that it do pass.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1305.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1957.]

The Committee on Pensions, to whom was referred the bill (S. 1957) granting a pension to Henry W. Edens, have examined the same, and report as follows:

Henry W. Edens was a private in Company D, Thirty-fifth Ohio Volunteers; was mustered in August 26, 1861, and discharged September 8, 1864. He made application for a pension on the ground that he received a shell wound in right ankle September 19, 1863, at the battle of Chickamauga, and at the same time contracted lung disease; which application was rejected by the Commissioner of Pensions in June, 1882, on certificate of Board of the Examining Surgeons that soldier was not laboring under disability either from wound in the ankle or from lung disease. No evidence seems to have been furnished since the rejection of the claim by the Pension Office.

Your committee do not believe that it is a case in which Congress should act, and therefore report adversely, and recommend that the bill be indefinitely postponed.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1306.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2538.]

The Committee on Pensions, to whom was referred the bill (S. 2538) granting a pension to George T. Lloyd, have examined the same, and report:

That George T. Lloyd was a private in Company I, Fortieth Massachusetts Volunteers, and claimed a pension on the ground that he contracted fever and ague in the service, which continued with more or less violence until his discharge, and subsequently resulted in heart disease. His claim was rejected because there was no record of the alleged disability, and claimant was unable to furnish the testimony of an officer as to the origin or of a surgeon as to treatment in the service.

The surgeon who examined claimant in 1881 found him affected with heart disease, but says: "I do not see how his present condition could have originated from fever and ague."

On the evidence submitted your committee would not be justified in reporting favorably, and therefore recommend that the bill be indefinitely postponed.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1307.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7617.]

The Committee on Pensions, to whom was referred the bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley, have examined the same, and make the following report:

That they have examined the report made by the Committee on Pensions of the House and find the facts in the case to be substantially as stated therein as appears by the papers on file; your committee have therefore adopted said report as the report of your committee:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley, report as follows:

Mrs. Ann E. Gridley is a resident of Hillsdale, in the State of Michigan; that she commenced her work under the auspices of the Soldiers' Relief Association as a volunteer nurse in the spring of 1864, and was continuous in her patriotic services until the close of the war. She was not only an Army nurse, but a disbursing agent of the association to aid the sick, wounded, and dying soldier, and provide special articles needed for his immediate relief.

The secretary of the association, Mr. Z. Moses, says:

"She was especially systematic and energetic in her methods, carefully examining her reports as she came to me for funds and stores with which to prosecute her work."

And further:

"I was personally cognizant of her work in the field and hospitals after the great battle of Cold Harbor. Perhaps her most important work was for the Andersonville prisoners as they languished in hospitals at Annapolis after exchange. Her devotion to this most exacting and laborious duty nearly cost her life. She contracted a fever from the contagion brought from Andersonville, from the effects of which she may never fully recover."

Dr. G. S. Palmer, late surgeon United States Volunteers, says:

"She did most excellent work among the sick soldiers at Annapolis. She contracted a severe fever and came near losing her life while in hospital service."

Dr. Bliss, brevet colonel, late surgeon United States Army, says of her:

"As a volunteer nurse during the late war she was an efficient and faithful worker in the field and hospital. Her services were directed by good judgment and accomplished great good to the sick and wounded soldier."

Dr. Radcliff says:

"She served with efficiency at the United States General Hospital at Annapolis, during 1864 and 1865, especially during a severe outbreak of hospital fever, where she came near sacrificing her own life."

Dr. Helen Densmore says:

"Mrs. A. E. Gridley worked untiringly for the soldiers in the capacity of nurse during the war, without compensation. Her labor was given over a large portion of time, in various places, with a heroism I have seldom seen equaled."

Dr. J. E. Dexter says:

"I knew Mrs. A. E. Gridley, both in field and hospital, as a volunteer nurse in the late war. None were more devoted and faithful. She merits special consideration from the Government."

D. T. Pierce, a member of the Michigan Relief Association, says:

"I can of my own personal knowledge state that no one rendered more valuable service than Mrs. Ann E. Gridley. Her present impaired health is undoubtedly the result of continued labor in the field and hospital."

E. W. Barber, reading clerk for several Congresses and late Assistant Postmaster-General, says:

"She gave her whole time to the nursing and care of sick and wounded soldiers. No person from Michigan was more faithful, earnest, and devoted. Besides her personal and unpaid services she gave two boys to the service of her country, one to the Navy and the other to the Army, the latter entering the service at the age of fifteen years and remaining during the entire war. If there is anybody on earth or in the loyal North that deserves consideration from the hands of the agents of Government it is Mrs. Gridley. She needs it to keep the wolf away from her door."

Harry H. Smith, the present efficient Journal clerk of the House, says:

"I made the acquaintance of Mrs. Gridley in 1864, while a private in the Twenty-sixth Regiment of Michigan Infantry, on detail in this city, while assisting Dr. Tunnicliff, then Michigan military agent, looking after sick and wounded Michigan soldiers. Mrs. Gridley was similarly engaged, but did not confine her labors solely to Michigan soldiers, but assisted all sick and wounded Union soldiers to the extent of her ability."

Considering the above testimony, and in view of the further fact that her services were gratuitous, and that she has never received any compensation, and is now poor and in ill health, your committee recommend the passage of the bill, after amendment by striking out the word "five" in the sixth line, thereby allowing Mrs. Gridley $20 instead of $25.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1308.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1855.]

The Committee on Pensions, to whom was referred the bill (S. 1855) granting a pension to John F. Hickey, have examined the same, and report:

That the claim of John F. Hickey, late private Company I, Eighth Ohio Cavalry, was rejected by the Pension Office, because the records of his regiment fail to show that he incurred any disability in the service, and because he is unable to establish the origin of his disability in the service. Claimant furnished no evidence on this point, except the affidavits of two comrades, who stated in a general way that they believed he had contracted his disability in the service, and stated that he was not at any time incapacitated for duty. The evidence furnished the Pension Office was insufficient to warrant the allowance of the claim, and, no additional evidence having been submitted to your committee, we ask to be discharged from the further consideration of the bill, and recommend that it be indefinitely postponed.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1309.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1940.]

The Committee on Pensions, to whom was referred the bill (H. R. 1940) granting a pension to Capt. Israel Stough, have examined the same and report:

That a bill placing this claimant on the pension-roll, which is all that is proposed by this bill, was passed at the last session and is now a law. Your committee therefore recommend that this bill be indefinitely postponed.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1310, and views of minority.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6703.]

The Committee on Pensions, to whom was referred the bill (H. R. 6703) granting increase of pension to Mrs. D. P. Woodbury, have examined the same and report, recommending the indefinite postponement of bill.

VIEWS OF THE MINORITY.

Mr. BLAIR, for minority, recommends passage of the bill upon grounds of long and distinguished service of General Woodbury, he having entered the Regular Army in 1832, and the necessity of further aid to the widow, based upon her age, infirmity, and pecuniary need. We append the following evidence sustaining these points:

[House report.]

The petitioner is the widow of Daniel P. Woodbury, who was commissioned a brigadier-general of the Army of the United States on the 19th of March, 1862, and who died at Key West, Fla., on the 15th day of August, 1864, of yellow fever, contracted while in the service. Widow's application for pension was filed December 9, 1864, and the proof being complete she was allowed a pension of $30 per month from the time of her husband's death.

She now asks Congress to increase her pension to $50 per month. She is sixty-four years of age.

In a letter dated May 10, 1884, she states that she needs this increase for her support, and that the necessity for said increase has always existed; that she is obliged to take a part of the pay of her son, who is a lieutenant in the Army, and is therefore dependent. She refers to General Meigs, late Quartermaster-General, and General Wright, of the Engineers, who she is sure will indorse her statement.

General Woodbury was commanding officer of the volunteer forces at Key West, Fla., and was breveted brigadier-general on the day of his death.

As numerous precedents exist for granting to the widows of general officers the amount asked for in this bill, and as she seems to need the same for her support, your committee think an exception should not be made in this case, and therefore recommend the passage of the bill.

FEBRUARY 15, 1885.

To Hon. H. W. Blair, United States Senate, from Rev. T. S. Wynkoop, 1906 H. street, Washington.

Mrs. Maj.-Gen. D. P. Woodbury is now about sixty-five years of age. Most of her patrimony has been spent in the education of her children; and her income, including her pension of $30 a month, is not *sufficient* for her support. Her eldest

son, a lieutenant in the United States Army, has been assisting her out of his scant pay. Her younger son has recently engaged in business which is not remunerativ enough to enable him to do anything for her. Her two daughters are married, bu are not in a position to render her assistance. Under these circumstances, she re quests an increase of her pension to $50 a month.

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, February 5, 1885.

Statement of the military service of Daniel P. Woodbury, late of the United States Arm compiled from the records of this office.

He was a cadet at the United States Military Academy from July 1, 1832, to Jul 1, 1836, when he was graduated and appointed second lieutenant Third Artillery transferred to Corps of Engineers November 1, 1836, with the rank of brevet secon lieutenant, to date from July 1, 1836; transferred to the Third Artillery, Decemb 31, 1836, with his original rank of second lieutenant from July 1, 1836; transferred the Corps of Engineers July 1, 1837, with rank of brevet second lieutenant, to date fro July 1, 1836; promoted first lieutenant July 7, 1838, captain March 3, 1853, maj August 6, 1861, and lieutenant-colonel June 1, 1863. He was appointed lieutenan colonel and additional aid-de-camp September 28, 1861, and brigadier-general of vo unteers March 19, 1862.

He received the brevet of colonel, United States Army, July 1, 1862, "for gallant an meritorious services during the Peninsular campaign;" of brigadier-general, Unit States Army, December 13, 1862, "for gallant and meritorious services at the battle Fredericksburg, Va.," and of major-general, United States Army, August 15, 186 "for gallant and meritorious services during the rebellion."

He served as assistant engineer in construction of the Cumberland Road, Ohi from July, 1836, to November, 12, 1840; in the construction of Fort Warren, Massach setts, and repairs of fortifications in Portland Harbor, Maine, and Portsmouth Harb New Hampshire, to November, 1842; on duty in the office of the Chief of Engineers June 12, 1844; in charge of repairs of Forts Macon and Caswell, North Carolin to February 2, 1847; on duty in the office of the Chief of Engineers to Decemb 1847; on special duty at Washington, D. C., to March 28, 1848; on duty with exp dition *en route* to Oregon and in charge of construction of Forts Kearney and La mie, Nebraska, to November, 1850; on duty in the office of the Chief of Engineers, charge of repairs of Forts Macon and Caswell, and improvement of Cape Fear Riv North Carolina, and on light-house duty and in charge of construction of Forts J ferson and Taylor, Florida, to March, 1860; on duty in the office of the Chief of En neers to April 29, 1861; in the department of Washington to July 2, 1861; depa ment of Northeast Virginia, and on the staff of General McClellan, commanding t Army of the Potomac, to March, 1862; commanding the Engineer Brigade, Army the Potomac, to March 21, 1863, and the District of Key West and Tortugas, Depa ment of the Gulf, from April 20, 1863, to August 15, 1864, upon which date he died, Key West, Fla.

R. C. DRUM,
Adjutant-General.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1311.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3467.]

The Committee on Pensions, to whom was referred the bill (H. R. 3467) granting a pension to H. D. Prior, have examined the same, and report favorably, recommending its passage. This is a case of conflicting testimony, in which we think the soldier is entitled to the benefit of the balance of proof.

We annex the House report.

[House Report No. 1592, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3467) granting a pension to H. D. Prior, having had said bill under consideration, submit the following:

Soldier enlisted October 1, 1861, and served as a private in Company B, Fourteenth Wisconsin Volunteers, until December 10, 1863, when he re-enlisted as a veteran volunteer in the same company and regiment, and served until honorably discharged, October 9, 1865, having served four years.

He filed an application for pension August 10, 1882, for chronic diarrhea, accompanied by violent vomiting, contracted near Saint Charles, Ark., September 1, 1864, by long marches and exposure.

His claim was rejected November 13, 1883, upon the ground that there has been no disability from the cause alleged since the filing of the claim.

Claimant was first examined by the examining surgeons at Fond du Lac, Wis., February 21, 1883, who found no physical signs of chronic diarrhea, but rated him upon his own statement and other proofs at one-half disability. He was again examined by the examining surgeons at Madison, Wis., June 13, 1883, who found that he suffered from chronic diarrhea, and rated his disability as one-eighth.

Dr. George H. Calkins, late surgeon of the Thirty-seventh Wisconsin Volunteers, in an affidavit, filed December 8, 1882, states that his residence is Waupaca, Wis., and that he treated claimant from 1866 to 1869 for chronic diarrhea and vomiting.

Dr. P. H. Patton, of Omro, Wis., claimant's family physician, in an affidavit, filed March 10, 1883, states that he treated claimant from 1880 to date for colic and chronic diarrhea. The doctor says during his treatment claimant has been disabled for manual labor fully one-half.

Dr. J. S. Daniels, of Omro, Wis., in an affidavit, filed March 10, 1883, says that he has known claimant since May, 1880, and that in June, 1881, he treated claimant for severe attack of diarrhea.

Dr. M. D. Lane, of Waushara County (Poy Sippi), Wisconsin, in an affidavit, filed February 21, 1884, states that he has treated claimant for lumbago and urinary disability.

Michael Haley, in an affidavit, filed February 21, 1884, states that he has known claimant ever since his discharge, and that he has been ailing all the time with lame back and general debility.

Taking into consideration all evidence since discharge, medical, &c., the committee believe the case meritorious, and recommend the passage of said bill, after striking out all after the word "from" in line 8, and adding thereto the words "and after the passage of this act."

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1312.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2527.]

The Committee on Pensions, to whom was referred the bill (S. 2527) granting a pension to Robert Sheridan, have examined the same and report recommending its passage. The facts are stated in the petition, which we annex as the most convenient form of presenting them to the Senate.

The honorable Senate and House of Representatives in Congress assembled:

The undersigned, Robert Sheridan, of National Soldiers' Home, Togus, Me., late private Company D, First Rhode Island Light Artillery, respectfully represents that on the 18th day of June, 1878, at said National Home (he being then an inmate of said institution as a disabled soldier), he was detailed by order of General William S. Tilton, commander of said Home, to fire a salute on the occasion of Decoration Day observance, and that while so employed, through the carelessness of one of the men whose business it was to close the vent, the gun was prematurely discharged while your petitioner was ramming home the cartridge, thereby shattering his right arm so badly that it had to be amputated above the elbow.

He further states that he is now in receipt of a small pension of $4 per month. He now asks that in consideration of his misfortune, which has deprived him almost entirely of the means of obtaining a living, and as said wound was received while in the line of duty, acting under the orders of General Tilton, an officer of the United States and whose orders he was bound to obey, that he may be granted an increased pension, so that his rate may be $24 per month, the rate now allowed by law for a similar disability; and, as in duty bound, will ever pray.

ROBERT SHERIDAN,
Late Private Company D, First Regiment Rhode Island Light Artillery.

STATE OF MAINE,
County of Kennebec, ss:

December 8, 1882, there personally appeared the above-named Robert Sheridan, and made oath that the facts as set forth in the foregoing petition are true in substance and fact, so far as they relate to the receiving of his wound and injury.

Before me—
[SEAL.]

H. F. BLANCHARD,
Notary Public.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1313.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6235.]

The Committee on Pensions, to whom was referred the bill (H. R. 6235) granting a pension to Eliza J. Norris, have examined the same, and report, recommending its passage.

We append the House report:

[House Report No. 1716, Forty-eighth Congress, first session.]

The claimant is the widow of Dudley F. Norris, late private in Company I, Twelfth Regiment New Hampshire Volunteers, in the late war.

Dudley F. Norris enlisted and was mustered into the service September 9, 1862, was discharged for disability November 2, 1863, and died at Concord, N. H., September 27, 1873. On the muster-rolls of Company I, Twelfth New Hampshire Volunteers, for the months of September and October, 1863, he is reported "wounded in action at Chancellorsville, Va., May 3, 1863." The claim of Mrs. Norris for pension was rejected on the ground that—

"Immediate cause of death (said to be) embolism. Remote cause not known. Not a result of his military service."

The record evidence on file in the Pension Office shows—

"November 3, 1863, examining surgeon finds total disability from compound fracture left thigh. September 4, 1873, examining surgeon finds him incapable of any hard manual labor because of wounds through scrotum and partial atrophy of the whole leg."

June 21 and December 9, 1863, Capt. J. W. Lang testified:

"Wounded the morning of the 3d May, 1863. Laid on the field till afternoon of the 5th, heavy rain falling; he was wet and his limb badly swollen when brought into rebel hospital (I was there wounded myself). It was thought Norris would die. He was very low, but his vigorous constitution carried him through. Previous to his being wounded he was a sound healthy man as there was in the company, and could do as much hard service or double-quick marching as any man we had. He had no disease of the heart or any other kind, and I never knew him absent, or ask to be excused from any duty."

November 23, 1877, Examining Surgeon D. B. Nelson, further certifies:

"That said soldier died September 27, 1873, suddenly, and from the grave character and serious shock to the nervous centers, and extensive irritation and inflammation, the 'effect of his wound.' Affiant firmly believes that said wounds were the direct cause of his death through organic disease of the heart."

June, 1878, J. H. Sanborn, late assistant surgeon of said regiment, testifies that—

"Some thirteen days after the battle of Chancellorsville said soldier was brought severely wounded to the Potomac Creek Hospital, where affiant was stationed. He had lain three or four days upon the battle-field, and had then been carried to a rebel hospital, from which he was brought within our lines. At the time he was very feeble and reduced by exposure and want of care and the extensive suppuration of his wound which was then taking place. I think he had at that time a marked irregularity and depression of the heart's action, owing undoubtedly to his low condition at that time. I saw no more of him until a year or two afterwards. Subsequently I saw him quite frequently, and it is my opinion that he never recovered from the shock his system received from said wounds and the exposure and hardships then endured, and I believe that he died of embolism. His wound was a ——— fracture of (I think) the left femur above *the upper third, caused* by a minie ball passing through

the limbs, laying open the scrotum, and lodging in the posterior and upper portion of the opposite thigh."

June 21, 1878, Dr. J. C. Page testifies that in August, 1863, he was called to extract a ball from the thigh of said soldier.

"The ball had passed entirely through one thigh, breaking the bone. and gone into the other, from which I extracted the ball. He remained at home a few weeks after the ball was extracted. He was low and feeble from said wounds. After his discharge I had him under my care for about two years. His condition was low. Said broken bone was never properly set, the ends of the broken bones passed by each other, making said leg two or three inches shorter than the other, and keeping it in an unhealthy and weak condition, subject to constant irritation, and it was liable to abscess by any twist or unnatural motion of the leg. Two or three days before his death he attended the county fair, and in getting into a wagon the horses started suddenly and he was thrown partly down, and in two or three days he went to Concord, and as he stepped out of the car fell and expired immediately. When I heard of his death I publicly remarked that it was caused by a blood-clot caused by said wound."

December 31, 1877, Simon A. Beard testifies that soldier was boarding at his house at the time of his death.

"Had worked with him two years in the car shops. Heard him frequently say he had a trouble with his heart which he attributed to his wound. He had to give up farming on account of his condition. If he took a misstep or jarred himself in any way it greatly affected him, and I have often seen him sit down until the pain passed off from his heart. He left my house in the morning apparently as usual the day of his death."

June 21, 1878, Dr. George Sanborn testifies to soundness prior to enlistment, and "free from heart or any other disease."

Dr. B. H. Throop, one of the most eminent surgeons in Pennsylvania, writes in reference to this case:

"SCRANTON, *January* 9, 1884.

"MY DEAR SIR: I feel interested very much in the case of Dudley F. Norris's widow, who is the daughter of Benjamin Jay, one of our oldest citizens, with whom she now resides with her family.

"I also knew Mr. Norris, who was a man of manly proportions—weighed nearly 200—a man of more than average culture, who enlisted from New Hampshire early in the war.

"At the battle of Chancellorsville he was torn to pieces almost; a broken thigh, a bullet in the opposite hip; his scrotum badly lacerated; riddled with buckshot, and lay on the field three days; was then exchanged and went nine days more before he came under the hands of a surgeon for treatment.

"No one but a man of iron constitution and great nerve determination could have weathered the storm that was his to bear; but did and went to his friends. I saw him after the close of the war on his crutches, one leg 3 inches short and a fracture that presented an angle between knee and hip; a wreck of what he was, and unable to earn a living.

"He was one of the Government's *honest* beneficiaries, and died such, and no doubt from causes produced by his Army experience.

"Now, it occurs to me a great wrong has been done his wife and children by having her claims for continuance of pension to his widow stricken off. The medical men, or one of them, said he died of embolism of the heart (that means heart clot), was the cause, and that it could not have been caused by any injury or service in the Army. Therefore, on that assertion, her name was stricken off the pension rolls, while thousands are continued less worthy than Mrs. Norris.

"The query to me is: *How do they know this*, when there was *no post mortem* to establish it? It was a mere presumption—a guess. As well might they have said paralysis, apoplexy, aneurism, or any other of the many causes of sudden deaths.

"It would be my deliberate opinion that the severe trials he endured would have wrecked any man's constitution, and after, any cause, almost, would have produced death that exposed him to any sudden shock of body or mind.

"It is seldom I allow myself to become interested in a matter of this kind, but I do think she has been wronged, and I would be very glad if you would take an interest in her case, and once more show your willingness to protect the widow and the orphan.

"Very respectfully, your friend,

"B. H. THROOP, M. D.

"Hon. D. W. CONNOLLY."

From the evidence filed in this case we think that the question whether the death of Dudley F. Norris was caused through or by disease contracted in the service, or was the effect of wounds received by him in battle, is not free from doubt, and as his widow is in needy circumstances and now dependent, we think the doubt ought to be resolved in her favor, and we therefore recommend the passage of the bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1314

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6310.]

The Committee on Pensions, to whom was referred the bill (H. R. 6310) granting a pension to Benjamin P. Lowell, have examined the same, and report, recommending its passage.

The House report states the facts, and there seems to be no reason why the application should not have been allowed by the Pension Office. The rule of evidence there adopted in cases of rupture, the nature of which is shown in this case, is harsh and unprecedented, and should be abolished. The country may, however, congratulate itself that by this action the Treasury has saved several hundred dollars in the form of arrears of pension which belong to this soldier.

[House Report No. 2504, Forty-eighth Congress, second session.]

Benjamin P. Lowell enlisted November 23, 1861, as a private in Company I, First Regiment Maine Cavalry Volunteers. On the 1st day of August, 1862, while on detached service as an ambulance driver, he, with others, was ordered outside of the picket line near Orleans, Va., to obtain forage, and in the performance of this duty he both mowed and pitched the green grass, and being in the vicinity of the enemy he worked with great rapidity, and while thus employed produced a hernia in his right side. On account of this disability he was discharged from the military service October 23, 1862. In July, 1879, he applied for a pension on account of this hernia, and April 23, 1883, it was rejected by the Commissioner of Pensions "on the ground of claimant's inability to furnish satisfactory evidence that hernia of right side originated in the service and line of duty." To establish this claim the Commissioner of Pensions required the claimant to show by the affidavit of a commissioned officer or two comrades the time, place, and circumstances under which the hernia was contracted. Mr. Lowell could not do this for the reason that there was no commissioned officer in command of the party at the time, and, being on detached service, the men making up the party did not belong to his company, and were therefore unknown to him, and, of course, it was impossible for him to obtain years afterwards the affidavits of two of them.

But to support his claim, Mr. Lowell offered, first, his own sworn statement of the time, place, and circumstances in which he incurred his disability, and to support his character he furnished the certificate of Hon. J. H. Day, Hon. J. L. H. Cobb, Hon. L. H. Hutchinson, and others that he was a man of good reputation and that his statement was entitled to credit. This certificate was indorsed by Senator Frye, as follows:

"I have made diligent inquiries, and find Mr. Lowell to be all he is represented to be in the above. I should have no doubt about any statements he should make about facts in his own knowledge."

This sworn statement is corroborated by a memorandum made in a diary by Mr. Lowell at the time, under the date of the alleged injury, as follows:

"I went with the teams after grass. At night I found I was ruptured on the right side. Assistant doctor recommended that I have a double truss."

This diary was filed, and is now with other papers belonging to claimant in the Pension Office. He also filed the affidavit of one comrade, Leonard L. Rose, who testifies as to the fact of the claimant's performing the labor of cutting and pitching grass at the time and under the circumstances stated by him. He also filed the affidavit of comrade Daniel J. Meads that he saw the hernia in claimant's right side after the time he states he received it and before his discharge from the service. He also filed the affidavits of his father, wife, and brother, Rev. John A. Lowell, to the fact that when he enlisted he had one hernia and when he was discharged he had two, one on each side. These witnesses are all creditable, and if they are to be believed the claimant must have received one hernia in the Army.

The Commissioner of Pensions required also the affidavit of the surgeon, or assistant surgeon, who attended the claimant and treated him for the alleged injury. It was impossible for Mr. Lowell to obtain this evidence, because he was not treated either by the surgeon or assistant surgeon of his own regiment, but by a medical officer from another regiment, and it has been impossible for him to ascertain whether or not this officer is now living.

But it does not seem that Mr. Lowell's inability to obtain this technical evidence required by the Pension Office should deprive him of his pension. The simple question is, was he injured in the service in the line of duty? If so, then he is entitled to a pension. When he furnishes evidence to fairly prove his injury he should have a pension, whether the witnesses are one or ten in number.

Your committee make a favorable report, and recommend the passage of the bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1315.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6029.]

The Committee on Pensions, to whom was referred the bill (H. R. 6029) granting a pension to Jeremiah McCarty, have examined the same, and report, recommending passage of House bill with the following amendment:

Strike out the words "twenty dollars per month," and add at the end of the bill the following:

"At the rate to which a private soldier is and shall be entitled by law for like disabilities."

The facts are as follows, stated in House report:

[House Report No. 2152, Forty-eighth Congress, first session.]

Said Jeremiah McCarty was a civil employé at the torpedo station on Goat Island, Newport Harbor, Rhode Island, and while so employed he was seriously and permanently injured and disfigured and in the manner and under the circumstances hereinafter set forth.

On August 31, 1875, said McCarty was directed by Lieut. George A. Converse, United States Navy, the first assistant inspector and executive officer at said torpedo station, to submerge a torpedo, for experimental purposes, about 100 feet from the shore. While so engaged under the direction of Lieutenant Converse, and while holding the torpedo in his hands—Lieutenant Converse remaining on the shore and having charge of the electric wires by which the torpedo was to be fired—the torpedo was exploded by the extremely careless and premature connecting of the wires with the battery, shattering the boat in which McCarty was, destroying his right eye, disfiguring his face, body, and limbs, and permanently disabling him from the performance of ordinary labor.

As the immediate result of said injuries, said McCarty was confined to his room for some two months, endured great suffering, and was compelled to submit to the entire removal of his right eye by a surgical operation. He then reported to the torpedo station for duty, and attempted to resume labor there as formerly, but suffered a relapse, which forced him to again forego all labor, and he has never since been able to perform any except light and irregular labor.

McCarty is a veteran soldier of the late war, and prior to said accident was a vigorous, able-bodied man, capable of earning a good support for himself and his family.

In addition to the permanent injuries above mentioned, said McCarty alleges impairment of the sight of his remaining eye, partial loss of hearing, shortness of breath, pains in the head and body, and general weakness and disability.

The facts, as found by your committee, are corroborated by the medical and other testimony submitted, by the official report of said accident made by Capt. K. R. Breese, United States Navy, then in charge of said torpedo station, to the Bureau of Ordnance of the Navy Department, and by the certificate of said Captain Breese.

Said certificate, affording a concise and official account of said accident and of the injuries incurred by said McCarty, is here given in full, namely:

"UNITED STATES TORPEDO STATION,
"*Newport, R. I., November* 13, 1875.

"I certify that Jeremiah McCarty was employed on the civil roll of the station on the 31st August, and was directed by one of the officers of the station, Lieut. G. A.

Converse, to place a torpedo containing about fifteen (15) pounds of powder. Whilst so engaged the torpedo was exploded, through no fault of his, and a very serious injury was the result. At this time the apparent permanent injury is loss of right eye, face disfigured by powder, and legs badly marked by same. Complaint is made at times of inability to work as of old, at which I am not surprised; the great wonder to me being that the man lived after such an accident.

"A full report of the accident was made to the Bureau on September 8.

"K. R. BREESE,

"*Captain, United States Navy, and Inspector of Ordnance in Charge of Station.*"

In view of the facts and circumstances, your committee recommend that said bill be amended by striking out the word "five" in the sixth line, and all of lines 7 and 8, and by inserting at the end of line 6 the words "from and after the passage of this act"; and that as so amended the bill be passed.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1316.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2894.]

The Committee on Pensions, to whom was referred the bill (H. R. 2894) granting a pension to Henry Rodenback, has examined the same, and reports:

That the statement of the case made to the House of Representatives by its Committee on Invalid Pensions is adopted by this committee, and is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2894) granting a pension to Henry Rodenback, have had the same under consideration, and submit the following report:

Soldier enlisted August 20, 1862, and served, as a private in Company K, Twenty-fourth Wisconsin Infantry, until discharged, June 22, 1865, nearly three years.

Declaration for pension was filed February 8, 1882, claimant alleging that he contracted scurvy and rheumatism while a prisoner of war in Andersonville prison, Georgia, middle of December, 1863.

His claim was rejected April 3, 1883, because of no disability from causes alleged since February 8, 1882, time of filing application.

William Schmidt and Philip Knack, residents of Oakwood, Milwaukee County, Wisconsin, in an affidavit filed March 31, 1882, testify to prior soundness. Louis Koch and F. Kehe, residents of same place, testify to the same. Frederick Seebach testifies to same; residence, Red Wing, Minn. All these witnesses knew claimant several years before enlistment.

Peter Strack, first lieutenant, in an affidavit filed August 21, 1882, testifies that claimant was sound and free from scurvy and rheumatism up to time of his capture at Chickamauga, Georgia.

John Warnkea, a fellow prisoner, states that claimant contracted scurvy and rheumatism in rebel prisons.

Frederick Seebach, corporal, states that claimant contracted scurvy and rheumatism in rebel prisons.

Dr. Albert H. Hay, testifies that he treated claimant in 1870 for rheumatism; he was sick one month. Dr. W. Mink, of Racine, Wis., testifies that he treated claimant in 1881 and 1882 for chronic rheumatism (muscular). Wilhelm Polpin and Charles Rothe, residents of Oak Creek, Wis., state that claimant has been disabled one-half for manual labor by reason of rheumatism and scurvy since return home from service. They see claimant two or three times a week, and testify from personal knowledge.

The records show that claimant was held as a prisoner of war from September 20, 1863, to April 18, 1865, and, as the testimony is in favor of the claimant, and the fact that he has been a prisoner of war in the prisons at Libbey and Andersonville, and that he was sound when captured, and diseased ever since his discharge, your committee recommend that the bill be amended by striking out all after the word "from," in line 8, and by adding thereto the words "and after the passage of this act," and that said bill pass as amended.

The bill is accordingly reported with a recommendation that it do pass.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1317.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3336.]

The Committee on Pensions, to whom was referred the bill (H. R. 3336) for the relief of Sherman C. Perry, has examined the same, and reports:

That the Commissioner of Pensions, in his letter transmitting the papers in this case to the committee, says:

The soldier was pensioned in 1864, for gunshot wound through the pelvis at $5.33 per month from May 22, 1863; at $4 per month from March 4, 1865; at $8 per month from September 10, 1872; and $12 per month from December 29, 1877, which is the present rate of allowance.

Why the latter rate was fixed at $12 per month, when the examining surgeon reported the disability at total third grade, which is $18 per month, is not shown and is difficult to understand, and why it should remain at the rate stated, when a subsequent examination reports the disability as equal to the loss of a leg above the knee and rate $24 per month, is even more singular.

The following extracts from the report of the Committee on Invalid Pensions of the House of Representatives will give a clear understanding of the case. The report says:

The statement of the petitioner in his declaration for an invalid pension is that he was disabled by a gunshot wound, the ball entering left groin, passing through the bladder, and lodging in right hip; that his left arm and side are partially paralyzed by said wound; that his bladder is also in a paralyzed condition, at times unable to void urine, and at other times suffering from an incontinence of urine, and also passing blood; that he suffers severe pains in the region of the left groin, and in the bladder and back, with increased soreness and weakness in said region, with lameness and pain in the right hip.

The rolls reported him killed at Salem Church, Va., May 3, 1863. This, of course, was an error, but he was very severely wounded, the lieutenant commanding certifying that he received a gunshot wound in the body at the battle of Salem Church, Va., May 3, 1863, and that he was at first reported killed.

At the time he received the wound he was serving as a private in Company B, Sixteenth New York Volunteers, having been regularly mustered in on the 15th of May, 1861, at Albany, N. Y. He was discharged May 22, 1863; was granted a pension June 27, 1864, to date from time of discharge, at $5.33 per month; was reduced to $4 from March 4, 1865; increased to $8 from September 10, 1872, and again increased to $12 from December 29, 1877. The surgeon who examined him, and on whose certificate he received the first rating, says that ball entered above pubes on left side, perforating the bladder and pelvis, and passed out of right buttock. Operation for stone in the bladder was had, and nucleus found to be a portion of dress carried thither by the ball. Now has lameness of right leg and occasional incontinence of urine. Health good; will probably improve after a time. This examination was by T. B. Smith, surgeon.

Charles C. Bates, surgeon, made an examination in September, 1865, stating sub-

stantially the same, and speaks of the soldier being "cut for stone in the bladder, and that a piece of clothing and a large calculus was removed." Notwithstanding this the pension seems to have been reduced, the reason for which is inexplicable.

The same surgeon, in an examination made in November, 1869, gives a fuller statement of the case and more graphically sets forth the disagreeable features of the disability, but makes no recommendation; but at a subseqnent examination made September 10, 1872, seems to take a more enlarged view of the matter, and recommends $8 per month.

Another examination was had in 1873 by another surgeon, G. L. Parmenter, and after describing the disability in all its repulsive details, in language sufficient to bewilder the mind of a layman by its technical terms and professional and scientific nomenclature, comes to the conclusion that the pension should not be increased.

L. E. Felton, another examining surgeon, who manipulated the patient on the 30th of September, 1875, intensifies the statement of the surgeon who preceded him, but sticks at $8.

Dr. Felton, after an examination made December 29, 1877, finds the disability to be equal to, and entitling the soldier to, total third grade, $18 per month. On the strength of this report, pension was increased to $12. The final and culminating examination was made by Dr. Felton, June 22, 1881. He says, after reciting the disability as hereinbefore stated, that the stone was removed by lithotomy, and that the patient has chronic cystitis, with acute attacks from any labor which requires lifting, &c. He cannot do any hard work without bringing on severe symptoms, and thinks him entitled to $24 per month, equal to loss of leg above the knee.

Taking into consideration the upward tendency of the ratings by the examining surgeons, the character of the wounds, and the advancing age of the soldier, the case would seem to justify the rate fixed by the bill, which is herewith reported to the Senate with a recommendation that it do pass.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1318.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7092.]

The Committee on Pensions, to whom was referred the bill (H. R. 7092) for the relief of Anthony Beyer, has examined the same, and reports:

That the report made on this case to the House of Representatives by its Committee on Invalid Pensions is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7092) for the relief of Anthony Beyer, have considered the same, and report as follows:

Anthony Beyer was a private in Company E, Fifth Iowa Cavalry. He enlisted September 2, 1861, and was discharged August 11, 1865. At the time of his enlistment he was a sound, able-bodied man. He alleges disability by reason of disease of the lungs in his application filed June 19, 1879. The medical board before whom he was examined report that he is not suffering from disease of the lungs to any pensionable degree. The proofs in the case, however, show clearly by the evidence of unimpeachable witnesses, including the captain of his company, that in July, 1865, while *en route* with the regiment from Nashville, Tenn., to Macon, Ga., he contracted bilious fever and affection of the lungs, from which he had not recovered at the date of his discharge. The disability is shown to have continued by an unbroken chain of evidence from the date of his discharge until the present time, and consists of bronchial affection and asthma. The action of the Pension Office cannot be criticised in view of the fact that the claimant made application on account of disease of the lungs, and the rejection of his application by the office seems rather to have been a technical one than otherwise. Your committee are of the opinion that the applicant is entitled to a pension; that his disability originated during his services; that having served almost four years and rendered faithful service he is entitled in his present physical condition to the relief sought.

Your committee recommend that the bill be amended by inserting the words "and limitations" after the word "provisions" in the fifth line of said bill, and that as so amended the bill do pass.

The soldier may have made a mistake in stating the character of his disability in his application for a pension, but it seems from the evidence in the case that he is a disabled man; that he contracted the disability in the service in the line of duty; that it has continued upon him from date of service to the present time, and that because of it he is rendered incapable for manual labor about half of his time. The bill is accordingly reported to the Senate with a recommendation that it do pass.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1319.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7732.]

The Committee on Pensions, to whom was referred the bill (H. R. 7732) granting an increase of pension to Edward P. Quinn, have examined the same, and report:

That the report of the Committee on Invalid Pensions of the House of Representatives, made to that body, is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7732) granting an increase of pension to Edward P. Quinn, having considered the same, report as follows:

The petitioner was a first lieutenant of Company D, One Hundred and Twenty-third Regiment New York Volunteers; enlisted June 2, 1863, and discharged May 15, 1865. He received a gunshot wound of the lower jaw, in a battle near Kenesaw Mountain, Georgia, June 22, 1864, which shattered the bone, requiring the removal of one-third of it, and rendering him unable to chew food to any extent, and while the wound was unhealed there issued from it into the mouth a foul, bloody, purulent discharge. The soldier also lost the right eye by a fragment of a bursting shell.

For these disabilities the petitioner is now receiving a pension of $24 a month, and seeks by special act to increase it to $40 per month.

A Board consisting of three examining surgeons, under certificate dated September 8, 1873, say:

"That the ball entered the angle of lower jaw, left side, carrying away all of the left side of the jaw, and escaped by the mouth; that he is unable to masticate food and his health is very seriously impaired, and he is emaciating; also that the right eye is destroyed."

Another certificate gives substantially the following description: Gunshot wound, lower jaw. Had resection of the whole of left side of lower jaw, causing great deformity and preventing the mastication of food.

David Little, examining surgeon, says:

"Ball entered near angle of lower jaw on left side and emerged from mouth, carrying away a portion of the jaw. There is a small part of left lower jaw remaining, but it is united to the sound part and plays about loosely with the movement of the mouth; all teeth of lower left jaw are gone. Mastication is greatly impaired. Claimant suffers constant neuralgic pains."

The petitioner is in a bad plight, which the statements sufficiently show. The Pension Office has no power to increase the pension. Similar cases have come before the committee and have been reported favorably, and the House has without hesitation concurred in the reports. The committee think the petitioner is entitled to the relief asked for, and recommend the passage of the bill with the following amendment: After the words "Company D," in line 6, insert "123."

A later report than either of those above quoted was made by a Board of Examining Surgeons in this case, to wit, in July, 1883, in which it is stated that:

The wound of jaw causes intense neuralgic pain in the head, and inability to masticate food. * * * Fragment of shell struck his right eye, destroying it—since, it has been removed.

This was the Board at Albany, N. Y., and it was instructed relative to the case on which the said report was made, as follows, viz:

You will also certify your opinion, *in so many words*, that the disability does or does not disable the pensioner for the performance of any manual labor.

The Board wholly disregarded this instruction, and gave no opinions on the subject. If it had obeyed the instruction so given, its opinion might have resulted in an increase of the rate to this soldier to $30 per month, under the act of March 3, 1883. But this was not done, and the soldier has come to Congress for relief beyond the limits of that act. Considering the character of the wounds, and the fact that no improvement can take place in them, the committee do not think the rate fixed in the bill too great, and, consequently, report it to the Senate with a recommendation that it do pass.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1320.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2279.]

The Committee on Pensions, to whom was referred the bill (S. 2279) granting a pension to Lewis L. Canady, have examined the same, and report:

That the said Lewis L. Canady, in his application filed in the Pension Office for a pension, states that he served in Capt. Richard Pappleberry's company of South Carolina Militia for from seventy-five to eighty days in the war of 1812.

The Commissioner of Pensions informs the committee that said application was "rejected on the ground that the length of service was insufficient, being less than fourteen days, as shown by the official records of the honorable Third Auditor.

The regiment to which said company belonged appears from a report of the Third Auditor, to have been stationed near the sea coast for about three months in the summer and autumn of 1813. It does not appear from either of said reports that Canady was discharged or otherwise left the service in June of that year. He swears that he served seventy-five or eighty days, and the term of service of the regiment to which he belonged would allow of this. He moved to the State of Indiana at an early day, and has for many years continued to reside there. He made his application for a pension in 1871, and in it states his age at that time as about seventy-nine years, consequently he is now about ninety-four years of age. Nine citizens of Indiana testify to personal acquaintance with him for terms ranging from thirty to fifty-eight years, and state that he has always claimed service in the war of 1812, as stated in his application for a pension. They further state that his claims in that respect have ever been consistent, and that he repeated them years before any act of Congress was passed granting pensions to the soldiers of the war of 1812, and they all testify to Canady's excellent character and good reputation for truth and veracity.

In view of these facts and in the absence of affirmative testimony to the contrary, the committee believe that this old soldier ought to have the pension he claims, and therefore report the bill to the Senate with a recommendation that it do pass.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1321.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7175.]

The Committee on Pensions, to which was referred the bill (H. R. 7175) granting a pension to James O. McKenna, has examined the same, and reports:

That an examination of the record and proofs in this case sustains the statement and conclusion of the report of the Committee on Invalid Pensions of the House of Representatives made to that body, and which is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7175) granting a pension to James O. McKenna, respectfully report:

That claimant enlisted in the military service as a private in Company B, Sixth Regiment Iowa Volunteer Cavalry, October 24, 1862, and was honorably discharged October 17, 1865.

April 9, 1867, he filed a declaration for pension, alleging that in 1865, when carrying dispatches between Fort Sully and Fort Rice, Dakota, he contracted cold, which settled in his eyes; which was rejected by the Pension Office July 31, 1876, on the ground that his present disability is not due to his military service.

This case has been very thoroughly examined by the committee, and it is shown by medical evidence that the soldier's eyes were badly affected at the time of his discharge from the service, and that this disability has continued and increased until he has entirely lost the sight of one eye, and the other is very much impaired. The commissioned officers of his company testify to the first incurrence of the disease in June, 1865, and to its continuance at the time of discharge. The evidence is conflicting, but the preponderance is in favor of the claim of the soldier that his disability is due to the arduous service he performed in Dakota.

The condition of the soldier is shown by a special examiner of the Pension Office to be truly pitiable, being very poor and almost entirely blind.

In view of the evidence in this case, and the rule of the committee to resolve all doubts in favor of the soldier, your committee recommend the passage of the accompanying bill.

The conflict in the evidence suggested in the foregoing report is mainly, if not wholly, between testimony sworn to by the witnesses and statements not sworn to. The former is with the claimant and support his case. He served as a soldier three years. He proves that his disability was incurred in the service. It is very great and permanent. He is very poor and needs the pension which, it seems to the committee, on the facts proved, he is entitled to.

The bill is accordingly reported to the Senate, with a recommendation that it do pass.

O

48TH CONGRESS. 2d Session. | SENATE. | REPORT No. 1322.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2273.]

The Committee on Pensions, to which was referred the bill (S. 2273) granting a pension to George W. Margrove, has examined the same, and reports:

That the Commissioner of Pensions, in his letter transmitting the papers in this case to the committee, says that—

The soldier alleges that he was thrown from a horse, and thereby incurred left inguinal hernia, while in Washington, D. C., in May, 1865. The claim has been rejected on the ground that the records of the War Department fail to show the existence of the alleged disability in the service, and the applicant is unable to furnish satisfactory parol evidence to establish origin in the line of duty.

An examination of the record and evidence in the case fails to disclose any error in the action of the Pension Office. Nor can the committee discover in the case, as it is before it, any sufficient reason for other than an adverse report on the bill; and it is accordingly so reported, with a recommendation that it be indefinitely postponed.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1323.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2210.]

The Committee on Pensions, to whom was referred the bill (S. 2210) granting a pension to Elizabeth Barker, has examined the same, and reports:

It appears from the papers in this case that Elizabeth Barker is the widow of Henry Barker, who was a private in Capt. Paul French's company of Indiana volunteers, and served therein from May 1, 1812, to June 10 of that year. The widow applied for a service pension on the ground that her husband was a soldier of the war of 1812, between the United States and Great Britain. The claim was rejected for the reason, as stated in the letter of the Commissioner of Pensions transmitting the papers in the case to the committee, that—

> The official records show the alleged service to have been from May 1, 1812, to June 10, 1812, which was prior to the date when the war of 1812 commenced (June 18, 1812), and as there is no provision of law for the claim, it has been rejected.

It appears that many claims belonging to the class which this one represents have been made in the office of the Commissioner of Pensions. They have all had the result which was awarded to this one; and this must be the end of all others of the same class which may hereafter be presented, unless Congress shall by a general law provide for their allowance. Doubtless claims of this class involve as great merit as many which come within the rule of the service pension provided for the soldiers of the war of 1812. But in the absence of some general provision of law for such cases, the committee does not feel warranted in reporting special cases such as the present bill presents for the favorable action of the Senate. If the class to which this case belongs had been provided for by a general law, and a special claim should fail in some particulars to meet its strict requirements, the committee would not hesitate to recommend relief. This is done in exceptional cases arising under all of the general laws relative to pensions. And as there is no more reason why this bill should pass than there is for the enactment of a law to provide for all of its class, the committee is constrained to report it adversely, and recommend that it be indefinitely postponed.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1324.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 17, 1885.—Ordered to be printed.

Mr. HAWLEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 446.]

The Committee on Military Affairs, to whom was referred the bill (S. 446) for the relief of H. A. Myers, have considered the same, and respectfully report:

The Committee find the facts to be as stated in the letter of the Adjutant-General of the Army, which the committee adopt as part of their report, and which is as follows:

ADJUTANT-GENERAL'S OFFICE,
March 15, 1878.

Respectfully returned to the Secretary of War.

It appears from the records of this office that Hiram A. Myers was enrolled September 17, 1862, and mustered into service from that date as private, Company D, Eleventh Kansas Cavalry, and served honorably from date of enrollment to July 7, 1864. On the muster-out roll of company, dated September 13, 1865, he is reported as follows:

"This man enlisted in good faith, served faithfully as a soldier from enlistment to July 7, 1864; his old enlistment-papers were lost, new ones were made out, and upon examination he was rejected by T. Sinks, surgeon board examiners, district Northern Kansas, July 7, 1864, when he was dropped from company rolls.

"There is due him for use and risk of horse and equipments from date of last payment to June 20, 1864, and he is indebted to the United States for horse-equipments $31. He was last paid by Major Bowen to February 29, 1864."

There would appear to be no objection to this bill becoming a law.

E. D. TOWNSEND,
Adjutant-General.

In view of the facts given in the above communication, the committee recommend that the bill do pass.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1325.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1002.]

The Committee on Claims, to whom was referred the bill (S. 1002) for the relief of Cyprian T. Jenkins, have considered the same, and respectfully report:

The bill directs the Secretary of the Treasury to pay to said Jenkins, out of any money in the Treasury not otherwise appropriated, the sum of $678.75, which amount has been found to be due him by the Secretary of the Treasury for his services as United States timber agent during the fourth quarter of the year 1860 and the first quarter of the year 1861.

Section 3480 of the Revised Statutes enacts that—

> It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the thirteenth day of April, eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this section is modified or repealed.

This claim appears to belong to the class of claims covered by this section of the Revised Statutes, and consequently has not been paid by the officers of the Treasury. The claimant now seeks relief from Congress. Your committee are not aware that any claims of this nature have been paid by act of Congress. If it shall be deemed a wise policy to authorize payments for services rendered prior to the war in the States which were in rebellion, we are of opinion that it should be done by general legislation, and not by special acts for individual cases.

We recommend that the bill be indefinitely postponed.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1326.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8034.]

The Committee on Claims, to whom was referred the bill (H. R. 8034) entitled "An act for the relief of the estates of Hugh and Byrd Douglas, deceased," have considered the same, and respectfully report:

The Messrs. Douglas were loyal citizens of Nashville, Tenn. Their property was taken possession of by the United States forces with an expectation on the part of the Quartermaster's Department to pay rent for the same. A sum of money was paid as rent which was clearly inadequate and unreasonable. A board of officers was assembled which fixed the rent and also awarded damages for property taken from the buildings, and for injury done to the same. Afterwards, on the 12th of May, 1865, President Johnson addressed a letter to Major-General Thomas saying that he knew of personal knowledge that the rent before fixed was most unreasonable and inadequate, and requesting General Thomas to make such orders as he might feel justified in doing to secure the objects for which Douglas was "justly petitioning." Thereupon, a further report was made, recommending the payment to Messrs. Douglas of $10,698.18.

The committee think that the petitioners' rights should be determined in accordance with the finding of the original board, and concur with the House of Representatives in recommending the payment of $6,299.33 only, instead of the larger sum recommended by General Thomas.

The bill speaks of rent and damages as included in the sum therein named. But an examination of the case shows that the small sum of $557, which is called damages in arriving at the amount, is really for such damages as a tenant would ordinarily be liable to pay, and that it should have been properly embraced in the item of rent.

We therefore recommend the passage of the bill without amendment.

We annex the report made to the House of Representatives January 23, 1885, by the Committee on War Claims, for the information of the Senate.

Mr. Rowell, from the Committee on War Claims, submitted the following report, to accompany bill H. R. 8034:

The Committee on War Claims, to whom was referred the bill (H. R. 4293) for the relief of the estate of Hugh Douglas, deceased, have considered the same, and make the following report:

The history of this claim is thus stated in the papers transmitted to your committee by the Secretary of War:

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 8, 1866.

GENERAL: I have the honor to submit herewith, with the accompanying papers, the claim of Hugh and Byrd Douglas, for damages sustained by their property at Nashville, Tenn., and for additional rent for the same, consequent upon its occupation by the United States.

These papers were left at this office on the 15th of February, by Hon. D. V. Patterson.

The original papers in the case were referred here from headquarters Military Division of the Tennessee, on the 6th of July, 1865. From these it appears that the President of the United States, on the 12th of May, 1865, addressed a letter to Maj. Gen. G. H. Thomas, commanding, &c., at Nashville, Tenn., to the effect that ever since the occupation of Nashville by the United States forces the greater part of Mr. Douglas's estate has been in the use of the military authorities, and that he (the President) personally knew that Mr. Douglas had sustained considerable loss in consequence thereof; that the rent allowed by the Quartermaster's Department was most unreasonable—"$15 per month being the allowance of rent for a store-house (since released by the Government in a damaged condition) now yielding a rental of $4,800 per annum, as Mr. Douglas informs me."

The President further states that Mr. Douglas asks him "that his property may be restored to him, and that he may be allowed fair compensation in the way of rents for the time the military authorities have had possession, as well as pay for the furniture taken and used by said authorities, and the actual damage done his fine store-house by reason of occupancy."

"I personally know the facts in the case of Mr. Douglas, and I ask that you will examine into the circumstances and make such orders in the premises as you may feel justified in doing to secure the objects I have stated, and for which Mr. Douglas, as I well know, justly petitions."

This communication was referred by General Thomas to General Donaldson, chief quartermaster, &c., at Nashville, directing him to restore the property to Mr. Douglas as soon as possible, and to see that inquiries be made into the circumstances of the alleged damage, as well as the reported low rents paid for the use of the store-house, &c., and to report "whether, in his opinion, a fair compensation has been paid for the same or not."

General Donaldson referred the communication to Capt. A. W. Wills, assistant quartermaster, for investigation and report.

The report of Captain Wills (and a communication from Mr. Douglas inclosed therein) was furnished on the 1st June, 1865, and is as follows:

"In compliance with your indorsement of the 20th ultimo, I have the honor to report that the following properties are in possession of the United States Government and entered in the name of H. and B. Douglas, viz:

"1. No. 51, northwest corner public square and Market street, taken possession of February 4, 1863, and rent paid on the same from that date to December 31, 1863, at the rate of $15 per month, at which time it was increased by a board of assessment for rents, &c., to $100 per month; and rent has been paid at said rate up to the time of its vacation, viz, March 1, 1865, excepting the basement, for which rent is paid at the rate of $15 per month. The basement will be given up soon. Said building contained a certain amount of large tables, arranged for counters (the exact number cannot be ascertained from others than the parties owning the same), which were issued to the different hospitals by request of Surg. Ebenezer Swift, medical director, for dissecting and amputation purposes. The tables are now in an unserviceable condition. Relative to the disposition made of the letter-press, scales, &c., mentioned in the communication of Mr. Douglas, I can ascertain nothing, as Captain Townsend, ordnance officer, who first took possession of the building, reports that he knows nothing of them. Said building is in good condition, and no worse than usual wear would render the same, and at no time was the weight placed on the floors more than the same could bear without injury.

"2. Douglas Hall, on North Market street, used as an ordnance store-house, taken possession of September 16, 1862, and rent paid on the same from that date to December 31, 1863, at the rate of $60 per month, at which time it was increased to $125 per month, and rent has been paid at said rate to March 31, 1865. Said building contained

a large number of arm-chairs, exact number unknown, save by the statement of Mr. Douglas; which chairs were taken possession of at different times by order of the post commandant, and issued to the different offices in the city, the principal part of which are still in use.

"Relative to the disposition made of the carpet, parlor furniture, &c., for the stage, mentioned in the communication of Mr. Douglas, I can ascertain nothing.

"No memorandum was taken of the same at the time of its seizure, and Captain Townsend, the first occupant of the hall, states, to the best of his recollection, nothing was in the hall excepting the chairs before mentioned; said hall will be vacated soon, and is in good condition.

"3. No. 78, on North Market street, formerly used as hospital No. 9, now as ordnance store-house, was taken possession of March 1, 1862, and rent paid for the same at $60 per month. This building is reported as used by the rebels as a hospital during their occupation of this city. I find upon investigation that the building has been considerably damaged, particularly on the first floor, which is thoroughly rotted, and has given away in two places and sunk about 12 inches; the wall is broken in two places, but the building is otherwise in no worse condition than the usual wear and tear would render it.

"4. Stable on east side of North Market street, between Guy and public square, used as an ambulance stable by the Medical Department, was first taken possession of November 12, 1862, and rent paid on the same from that date to January 1, 1864, at the rate of $25 per month, at which time it was increased to $75 per month, and rent has been paid at said rate to March 31, 1865. This stable is in good condition and cannot be vacated at an early date.

"Relative to the rent paid for these buildings, I have the honor to report that it is at a lower rate than the usual rent paid by the Government for buildings.

"The usual allowance, 6 per cent. on the taxable value of the properties, in the years 1860 and 1861, which, in accordance with said rates, would be for the first mentioned, viz, No. 51, $237.50 per month; for the second, viz, Douglas Hall, $132.50 per month; for the third, viz, No. 78 North Market street, $59.50 per month; for the fourth, viz, stable, North Market street, $99.25 per month. The rent of No. 51 was placed at a low figure for the reason that the adjoining building was destroyed by fire before the occupation by the Government of said No. 51, weakening the walls to such an extent that it was deemed imprudent to place a large amount of stores in the same, hence the low rent."

The communication of Mr. Douglas, referred to in the above report of Captain Wills, is a memorandum of the articles of furniture lost to them in consequence of the Government occupation of their property, viz:

750 arm-chairs, at $3 each	$2,250
Carpet, sofas, mahogany chairs, &c	250
15 large tables used as counters	450
2 desks, $40; 2 pairs scales, $120; letter press, $15	175
Total	3,125

This communication, with the report of Captain Wills, was referred by General Donaldson to Bvt. Col. C. H. Irvin, assistant quartermaster, who was directed to cause an examination to be made and a report given in detail of the damages done the building corner of Market street and the public square, and the building known as Douglas Hall, in rear of it.

This was furnished on the 30th June, 1865, with the estimate of the master mechanic of the quartermaster's department at Nashville, to the effect that the damage done to the hall would amount to $233; that sum, in his opinion, being necessary to put the hall in as good condition as when it was taken by the United States.

His estimate of the amount required to repair the other building was $324. He states that he can learn nothing concerning the furniture mentioned in the claim.

General Donaldson, after obtaining the reports of Captain Wills and Colonel Irvin, on the 5th of July, 1865, submitted the papers to Major-General Thomas, with a communication of his, of which the following is a copy:

"In accordance with your instructions I made a personal examination of the buildings belonging to Mr. Douglas in Nashville, and likewise called on Capt. C. W. Wills, assistant quartermaster of volunteers, in charge of public buildings, for a report in the case.

"It is herewith inclosed. I concur in his opinion, and think that Mr. Douglas has not only not received a fair rent for his buildings, but they have been injured to a certain extent.

"It is proper to remark that the Quartermaster's Department is in no wise respon-

sible for these injuries, as the buildings were taken possession of by another department, and at a time when irregularities of all kinds reigned in Nashville. The rent first fixed was preposterously low, and that afterwards fixed by a board of officers was not fair. Undoubtedly Mr. Douglas has lost much property taken from the houses, and I am not able to trace it at this distant day.

"I think that he should be remunerated, and to this end recommend that Mr. Douglas receive rent from the time his buildings were seized to the time they were vacated by the United States, at the rate suggested by Captain Wills; that he be paid for the property taken from his buildings, on his making affidavit of the same; that he be remunerated for injuries done to the buildings at the rate estimated by Master Mechanic Ready and recommended by Bvt. Col. C. H. Irvin, assistant quartermaster volunteers, and that these amounts be in full of all future claims against the United States on account of occupation by it of the buildings.

"If these suggestions are approved, I recommend that they be laid before the Quarthermaster-General, United States Army, for his action."

The papers were then forwarded to this office by Major General Thomas on the 6th July, 1865, as before stated, with his approval of the recommendation of General Donaldson.

On the 13th of September, 1865, they were returned to General Donaldson with instructions to have an account covering the whole case stated and transmitted to this office. This was furnished on the 5th October, 1865, and the following abstract is taken from the certified vouchers as prepared at Nashville:

For damages to Douglas Hall, by reason of its occupation as an ordnance store-house	$233
For damages to No. 51, northwest corner public square, ordnance store-house	324
	557

This amount was estimated by the master mechanic of the quartermaster department at Nashville, and referred to in the report of Brevet Colonel Irvin before mentioned.

For loss and damage of furniture in Douglas Hall (articles before specified in the communication of Mr. Douglas, verified by the affidavits of Messrs. H. and B. Douglas)		$3,125 00
H. & B. Douglas		$3,125 00
For rent of Douglas Hall from September 16, 1862, to June 16, 1865, two years, nine months, one day, at $132.50 per month		4,376 91
Less rent paid from September 16, 1862, to December 31, 1863, at $60 per month	$930 00	
Also, for rent paid from January 1, 1864, to June 30, 1865, at $125 per month	2,191 66	
		3,121 66
Balance rent claimed for Douglas Hall		1,255 25
For rent of stable, used as an ambulance stable, from November 1, 1862, to June 19, 1865, at $99.25		$3,083 18
Less rent paid for above stable from November 1, 1862, to December 31, 1863, at $25 per month	$350 00	
Also, for rent paid from January 1, 1864, to June 19, 1865, at $75 per month	1,322 50	
		1,672 50
Balance rent claimed for stable		1,410 68
For rent of building No. 51, northwest corner public square, used as an ordnance store-house, from February 4, 1863, to February 28, 1865, at $237.50 per month		5,913 75
Les rent paid from February 4, 1863, to December 31, 1863, at $15 per month	$163 50	
Also, for rent paid from January 1, 1864, to February 28, 1865, at $100 per month	1,400 00	
		1,563 50
Balance rent claimed for No. 51		4,350 25

RECAPITULATION.

Damages to Douglas Hall		233 00
Damages No. 51, northwest corner public square		324 00
Loss and damage to furniture in Douglas Hall		3,125 00
Balance of rent of Douglas Hall		1,255 25
Balance of rent of stable		1,410 68
Balance of rent of No. 51, northwest corner public square		4,350 25
Total amount of rent and damages		10,698 18
Total amount of rent claimed	$7,016 18	
Total amount of damages claimed	3,682 00	
		10,698 18

The additional rent claimed is the difference between the sum paid and the rent at the rate stated in the report of Captain Wills, viz, 6 per cent. on the assessed value, which is the rate recommended by General Donaldson and approved by Major-General Thomas.

I respectfully recommend that the claim be referred to the Third Auditor, with the recommendation that the amount stated as required to restore the buildings to their condition when taken, viz, $557, and the amount claimed as additional rent, viz, $7,016.18, to be paid to the Messrs. Douglas.

The claim for loss and damage to furniture, $3,125, appears to me not to be one which should be paid from the Quartermaster's Department appropriation, as it does not appear that this Department is responsible therefor. It should, I think, be adjusted by the Court of Claims.

Very respectfully, your obedient servant,

J. J. DANA,
Colonel Quartermaster's Department,
Brevet Brigadier-General, U. S. A.

Bvt. Maj. Gen. M. C. MEIGS,
Quartermaster-General, United States Army,
Washington, D. C.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., March 10, 1866.

SIR: I have the honor to submit the papers in the claim of H. and B. Douglas, of Nashville, Tenn., for increase of rents for certain buildings occupied during the war, upon which they had been paid rents at rates not satisfactory to them, though at the time fixed by authority. Also, for damage alleged to have been caused to the buildings by reason of military occupation. Also, for damages caused by the loss or removal of furniture and fixtures.

The case has been investigated and reported on by General Donaldson, chief quartermaster at Nashville, and by the chief of division of public buildings in this office.

The report of the chief of the division of public buildings sets forth all the facts of the case, and recommends that the claim be referred to the Third Auditor of the Treasury for settlement according to an account dated October 2, 1865.

It has not been customary for this office to reopen accounts and to grant additional allowances for rents of buildings when payments have been made by authority of officers on the spot having jurisdiction.

Deference to the high authority which recommends this claim, or parts of it, as shown in the papers, by the letter of the late military governor of Tennessee, and the indorsement of Major-General Thomas, commanding the military division, however, induce me to submit it for the consideration of the Secretary of War.

If any additional allowance is to be made on the ground that former commanders and boards of assessment have committed injustice, thus reversing their action, and the account is to be reopened, I presume that the conclusions arrived at in the report of General Dana, chief of the division of public buildings, will furnish a proper basis for the action of the Treasury Department, to which, if approved by the Secretary of War, the claim can be referred by this Department. Without that approval, I shall be constrained to decline reopening the account.

General Donaldson is now of opinion that the rent paid so long was insufficient. Many buildings in Nashville were occupied without payment of rent; the buildings in this case appear to have been excepted, as Mr. Douglas is supposed to have been loyal, and therefore specially considered.

I am, very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Brevet Major-General.

Hon. EDWIN M. STANTON,
Secretary of War.

From this report it appears that on December 31, 1863, a board of officers fixed th rental value or the various pieces of Douglas's property, and that rent was pa at the rate so fixed from that time up to the date of surrender to the owners; th previous to the above date rent was paid as follows:

For No. 51, northwest corner public square and Market street, from February 1863, to December 31, 1863, inclusive, at the rate of $15 per month; thereafter at $1 per month, the rate fixed by the board of officers. Douglas Hall, from September 1862, to December 31, 1863, inclusive, at $60 per month, and thereafter at $125 p month, as fixed by the board. No. 78 North Market street, at $60 per month fro date of occupancy. Not changed by the board. Stable, east side Market street, fro November 12, 1862, to December 31, 1863, inclusive, at $25 per month, and thereaft at $75 per month. The board also found the value of property taken to be $3,125, a damage to property by occupation $557, and upon this basis stated the account as d the Messrs. Douglas, $10,698,18.

Your committee cannot fully agree with the report submitted to the Quartermaste General. While we are satisfied that injustice was done to the Messrs. Douglas in t amount of rent allowed at first, we think it safer to take the amount fixed by t board. We allow for damages to buildings as in report, $557, and for property tak $3,125; total, $6,299 33.

The above sum seems to be justly due, and we report herewith a substitute for t bill appropriating that amount, and recommend its passage.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1327.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2366.]

The Committee on Claims, to whom was referred the bill (S. 2366) for the relief of Joseph W. Parish, have considered the same, and respectfully report:

In March, 1863, the claimant made a contract with the United States to deliver at Memphis, Tenn., Nashville, Tenn., Saint Louis, Mo., and Cairo, Ill., the whole amount of ice required to be consumed at each respective point and vicinity during the remainder of the year 1863. The stipulated prices were, at Saint Louis, $16 per ton, at Cairo and Memphis, $20, and at Nashville, $25. The Assistant Surgeon-General thereupon required claimant to deliver at these four cities lots of ice amounting in all to 30,000 tons. The claimant thereupon contracted for the ice, and expended large sums of money in the necessary preparation for fulfilling his contract. The Surgeon-General then interposed and notified claimant that said ice would not be received by the United States, and refused to receive more than 12,768 tons out of the 30,000 tons which had been purchased by the claimant.

The claimant then brought suit in the Court of Claims for damages sustained by him owing to a breach of contract by the Government. The Court of Claims held the action of the Assistant Surgeon-General not binding upon the Government. On appeal to the Supreme Court this decision was reversed, the court holding that the Assistant Surgeon-General had the same lawful authority to act in the premises that was possessed by his superior, and that the United States were liable for the damages occasioned for the breach of contract, and that if the claimant had tendered the article at the places indicated by the Assistant Surgeon-General he might have recovered the full contract price. The case was then sent back to the Court of Claims. The claimant had prepared his case and put in his evidence on the theory that he was entitled to recover the entire contract price, and had not furnished proof of the damages, in accordance with the decision of the Supreme Court. The Court of Claims refused to permit him to introduce new evidence. Instead of proceeding anew to the Supreme Court to obtain an order on the court below to reopen the case and admit new evidence to establish his claim, in accordance with their decision, he discontinued the case and applied to Congress for relief.

The committee have much hesitation in ever granting relief to a person who has misconceived his remedy in the Court of Claims. But in

the present case the Surgeon-General has estimated the amount due ı the claimant as appears by his report of May 22, 1882 (a copy of whic is found in the House report hereto annexed), and there is no questic whatever of the absolute merit of the claim, which is admitted t the official representative of the United States with whom the contra was made. We think that on the receipt of the decision of the S preme Court, the representative of the United States would have once paid the claim if he had had authority, and that the claimant w was scrupulously careful to keep his contract with the Government great inconvenience and cost, and who is in any event to lose the int est on the money advanced by him, ought not to be deprived of t money justly due him, merely from his failure to apply a second ti to the Supreme Court. Such an application would have increased tl expense to the Government and the labor of its officials. The clai would by such proceedings have been recovered long ago, so that tl Government now saves interest for many years, and the error of tl claimant has resulted in a positive benefit to the United States.

We recommend that the bill pass without amendment.

We also annex the report made to the House of Represen tative April 11, 1884, by the Committee on War Claims, for the informatio of the Senate.

The Committee on War Claims, to whom was referred the bill (H. R. 2554) for the relief Joseph W. Parish, submit the following report:

The facts out of which this bill for relief arises will be found stated in House r port of the Committee on Claims (No. 1956), second session Forty-seventh Congre a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill wi the recommendation that it do pass, with an amendment, as follows:

Insert in the sixth line, in place of "one hundred and fifty thousand dollars," t words "fifty-eight thousand three hundred and forty-one dollars and eighty-fi cents."

[House Report No. 1956, Forty-seventh Congress, second session.]

The Committee on Claims, to whom was referred the petition and bill (H. R. 2463) for the lief of Joseph W. Parish, have had the same under consideration, and respectfully submit following report as a result of their deliberations thereon:

The appeal which the claimant makes to Congress for relief is decidedly *sui gene* and stands alone in the peculiarity of its facts. It had its origin in an ice contr made with the Government in March, 1863, and an alleged failure on the part of t Government to fulfill its stipulations, whereby a great loss was sustained by t claimant. By a special act of Congress this matter of controversy was directed be settled by suit before the United States Court of Claims. The gist of the cont versy consisted in the Government refusing to receive more than 12,768 tons out of t 30,000 tons which had been ordered by the Government and purchased by claima leaving 17,232 tons to waste on his hands, for which no requisition was ever ma For this 17,232 tons suit was brought to recover the contract price less the cost of livery. In support of this action a large amount of testimony was taken, but t issues did not involve the original cost price of the ice; hence the evidence in relati thereto was incidental and more or less vague and uncertain.

On the hearing of the cause, the Court of Claims dismissed the suit on techni grounds, namely, that the Assistant Surgeon-General, Colonel Wood, at Saint Lou had not the power or authority to make a requisition for 30,000 tons of ice under t contract. This decision was reversed on an appeal to the Supreme Court of the Unit States, but in doing so that court changed the claimant's cause of action, and h that he was only entitled to recover back the money he had expended in the purch *of the ice* and the cost of purchasing and taking care of the same accordingly. As

evidence had been taken on another theory of the case, the Supreme Court, in its mandate to the Court of Claims, directed said court to ascertain (we suppose in the usual way by evidence) the amount laid out in the purchase of the ice and all the expenses attending the same.

The action of the Court of Claims on this mandate, to the mind of your committee, was somewhat strange and inexplicable. The report of the Surgeon-General, which is made a part of this report, shows that upon application the court declined to allow any additional testimony to be taken, believing, perhaps, that it could not be regularly done under a mandate; it declined upon request to find the facts required by the rules, whereby the right of appeal was cut off under the rules. In allowing a mere fractional part of the claim, it declined or rather omitted to state any reasons whatever, either in writing or orally, as the grounds of its decision, leaving the parties wholly in the dark as to the data upon which it gave judgment. The effect of all this was to deny to the claimant a day in court, in the true and proper sense of that term, on the question or right of recovery as laid down by the Supreme Court.

In this attitude of affairs it was impossible for your committee to understand how such a state of things could have occurred; and, thinking perhaps there might be something yet behind not disclosed, your committee concluded to send all the papers, together with some new testimony taken by the claimant, to the Secretary of War. The Secretary of War very properly referred the request of the committee to find additional facts and amount due to the Surgeon-General's Office, where the contract for the ice originated, for a reply thereto. The Surgeon-General in his report gives a very full and clear history of the whole transaction, judicial and otherwise, and, in the light of the same and all the testimony before him, states an account and the amount still due the claimant under the ruling of the Supreme Court. This report is so satisfactory and so incapable of being gainsaid in its facts and details that your committee have concluded to adopt it as a part of their report, and would call special attention to its statements as furnishing perhaps the best light that can be attained on the subject. It is proper to add that the committee referred the findings of the Surgeon-General to the Secretary of the Treasury. This officer does not question the validity of the findings of the Surgeon-General, but requires an act of Congress to adjudicate the account.

Believing that great injustice has been done the claimant in the premises, your committee recommend that the amount, $58,341.85, which the Surgeon-General finds still to be due the claimant, after allowing all proper deductions, may be paid him, and respectfully report this amount and petition back to the House with the accompanying resolution, and ask its adoption:

Resolved, That the Committee on Appropriations be, and they are hereby, instructed to insert a clause in the sundry civil appropriation bill for the fiscal year ending June 30, 1884, providing that the accounting officers of the Treasury shall audit the claim of J. W. Parish agreeably to the principles laid down in the mandate of the Supreme Court in his case, and pay what shall be due thereon, not to exceed the sum of $58,341.85, as set forth in the report of the Surgeon-General, United States Army, in the case of said Parish.

SURGEON-GENERAL'S OFFICE,
May 25, 1882.

SIR: I have the honor to return with the following report the papers referred by you on the 20th instant, in connection with a claim of Joseph W. Parish, growing out of his contract to furnish ice in 1863.

Soon after the commencement of hostilities, in 1861, ice was found to be indispensable in summer in the hospitals and hospital transports of the Army; but no systematic attempt was made to secure a regular supply until the spring of 1863. Three contracts were then made with A. T. Edgerton, J. H. Tiffany, and Joseph W. Parish & Co The two former were to supply the Atlantic and Gulf coasts, and the latter the principal points in the Mississippi Valley. The contracts were made in the city of Washington by Henry Johnson, medical storekeeper, under the direction of the then Surgeon-General, William Hammond. Mr. Johnson's part was purely ministerial. They were executed at nearly the same time, and were similar in their terms, differing in little else than the names, quantities, and prices.

Owing to the perishable nature of ice, and the want of experience in its management, these first contracts were rather crude, if not conflicting in some of their provisions, and have given occasion to considerable discussion and litigation.

The contract made with William L. Huse and Joseph W. Parish, as J. W. Parish & Co., was dated March 5, 1863.

They engage to "deliver at Memphis, Tenn., Nashville, Tenn., Saint Louis, Mo., and Cairo, Ill., the whole amount of ice required to be consumed at each respective point, and vicinity, during the remainder of the year 1863. Ice to be in quality A No. 1 and delivered at (2,000) two thousand pounds to the ton."

The stipulated prices were, at Saint Louis, $16 per ton, at Cairo and Memphis, $20, and at Nashville, $25. The usual price paid during the previous summer had been at the rate of $30 per ton at Saint Louis. The contract then proceeds to declare:

"Sixth. All the ice delivered under this contract to be subject to the inspection and approval of the medical officer in charge of the post where it is delivered, and such as does not conform to the specifications set forth in this contract shall be rejected.

"Seventh. That payment shall be made from time to time upon receipted and duplicate accounts, certified to by the medical officer in charge of the post where it is delivered.

* * * * * * *

"Ninth. * * * J. W. Parish & Co. will allow (3) three working days for discharging each cargo. * * * ; after that demurrage to be allowed * * * as per charter-party or B. of L. of the vessel."

These two last sections evidently contemplate a delivery of the ice by the ship-load or boat-load, as was the practice along the seaboard.

William L. Huse, upon learning the terms of the contract, refused to be bound by it, averring that his name had been used without his consent, and the entire interest became invested in J. W. Parish.

Mr. Parish exhibited his contract to Col. R.C.Wood, the Assistant Surgeon-General at St. Louis, the chief medical officer in the West, and left a copy with him. Whether his oral representations misled that careful and experienced officer may be doubted, but on the 25th of March Colonel Wood gave him an order in writing, several copies of which occur among these papers, to furnish 5,000 tons, each, at Saint Louis and Cairo and 10,000 tons at Memphis and Nashville, respectively; 30,000 in all. He was directed to deliver the ice at Memphis and Nashville without delay. When apprised of this order the Surgeon-General telegraphed to the Assistant Surgeon-General March 30.

"Parish & Co. have not contracted for 30,000 tons of ice. Suspend the order you gave him."

On the following day, March 31, the Assistant Surgeon-General telegraphed to Mr. Parish, supposed to be then at Chicago:

"I am instructed by the Surgeon-General to suspend the order I have given you till further instructions are given from him.

"R. C. WOOD,
Assistant Surgeon-General."

It is admitted that this action did not cancel the order for 30,000 tons, but left the contractor in uncertainty in reference to it.

It has been denied that Colonel Wood's notice was ever received by Parish; but that point appears to have little or no practical importance. The Assistant Surgeon-General telegraphed to this office April 2:

"Mr. Parish is here. Will you state what quantities of ice you wish delivered at Saint Louis, Cairo, Memphis, and Nashville? Requisitions are coming in."

The Surgeon-General replied the same day:

"No precise amount can be fixed, as it is not known. Letter written you March thirty-first."

It may, therefore, be safely inferred that Mr. Parish was apprised of the views of the Department by about noon of April 2.

Under this suspension or modification of the original order, ice was not sent immediately to Memphis and Nashville, and an aggregate of much less than 30,000 tons was delivered and accepted during the year. The bills certified by the medical officer were—

	Tons.
Saint Louis	3,62
Cairo	1,03
Memphis	5,99
Nashville	49
Total	11,13

It does not appear that any regular system was pursued by making written requisitions upon the contractor for specific quantities to be delivered at times stated. The ice appears for the most part to have been delivered as the contractor could ship it or to have been regulated by some informal understanding. On one occasion at least only a small part of the quantity sent was accepted.

A difference of opinion soon arose between the contractor and the receiving officer as to the manner of determining the quantities to be paid for. The former claimed the bill of lading as evidence of the quantity, at least of that sent by water; and the latter in most instances would receipt only for the amounts ascertained by weigh

or measurement at the time of delivery. The difference was the meltage *in transitu*. This claim for meltage remained in suspense until October 3, 1872, when it was admitted by the concurrent action of the Second Auditor, Second Comptroller, and Solicitor of the Treasury, on the ground that under the similar contracts with Tiffany and Edgerton the meltage had been allowed and paid for from the first. The quantity thus admitted as meltage was 1,633⅓ tons, making 12,670$\frac{1}{12}$ tons, or approximately 12,671 tons in all.

In the mean time Mr. Parish represented that under the order to furnish 30,000 tons of ice he had bought a sufficient quantity to enable him to deliver that amount; that the greater part of it became a total loss through the failure or refusal of the Government to accept what had been ordered; and that he was entitled to recover therefor. His first action, so far as appears, was to petition Congress to authorize the United States Court of Claims to hear and determine his claim. The desired authority was given by an act approved May 31, 1872 (17 Stat. p. 195).

Mr. Parish filed his petition for relief in the Court of Claims, October 15, 1872. Great pains seem to have been taken both by the claimant and the Government to collect all the evidence obtainable. The investigation continued over three years. The depositions were taken of some forty persons, in Washington, New York, Saint Louis, Chicago, and other places; but many of those conversant with the facts, including General Wood, were already dead, and the greater part of the books and memoranda in private hands had perished by the great fire in Chicago and similar disasters. The court, while admitting the fact of the purchase, gave judgment for the defendant on the ground that Assistant Surgeon-General Wood had no authority to determine the quantity of ice that would be required—that his action "was wholly nugatory," "and imposed no liability on the Government." From this view two of the judges dissented.

Mr. Parish next appealed to the Supreme Court of the United States. That tribunal rendered its decision reversing the judgment of the court below, and determining the two following points:

"1. The acts of the Assistant Surgeon-General, appointed under the act of Congress and located at Saint Louis, are the acts of the Surgeon-General, and have the same validity until countermanded or revoked.

"2. Where in the effort to fulfill an order for a large amount of ice for the use of the Government, which claimants were bound to furnish by their contract, they purchased ice which was lost by the *suspension* of the order of the Assistant Surgeon-General by his superior officer, they are entitled to recover the cost of the ice so lost and the expense of the care and attempt to preserve it."

Mr. Justice Miller, who delivered the opinion of the court, concluded by saying:

"Claimants are entitled to the expenses and losses incident to the preparation to meet the demand of the notice served on them. The cost of the ice purchased at Lake Pepin and lost, the expense bestowed upon its care, and the time and expense of making that purchase, and any sum actually lost in regard to the other 7,232 tons of ice purchased to enable them to meet that requirement, must form the measure of the plaintiff's recovery. Because these are not formed by the Court of Claims, the judgment of that court is reversed and the case remanded, that their damages may be ascertained and judgment rendered accordingly."

It now remained for the Court of Claims to ascertain "the cost of the ice so lost, and the expense of the care and attempt to preserve it." They had already, in their finding of facts, stated the quantity lost at 17,232 tons; but it does not appear that any effort was made to learn the prices paid.

Among the papers before me is an affidavit of R. P. Lowe, attorney for the complainant, setting forth that he made a motion in the Court of Claims to take additional testimony to discover the prices paid, which motion was overruled by the court.

It is ascertained that a somewhat similar motion was made by the counsel for the United States, and in like manner refused. In the absence of this important factor the court, March 9, 1881, gave judgment for the plaintiff in the gross sum of $10,444.91.

The data which yielded this result are unknown; but it would be obtained by assuming the mean price to have been 60¼ cents, including expenses; while the lowest price shown to have been paid was $2.50, exclusive of expenses.

Mr. Parish next petitioned Congress for further relief. On the 17th of the present month the Committee on Claims of the House of Representatives refer this claim "to the honorable Secretary of War, with a request that he furnish the committee, after a careful examination thereof, his opinion relative to its merits and amount, together with any facts known to said officer, and any recommendation he may deem proper relating thereto."

This historical outline has seemed necessary to an understanding of any discussion of the merits of the claim. The law of the case is clearly settled by the decision of the Supreme Court; and it only remains to examine the evidence. The principal part of the papers referred to this office is a bundle of printed documents stitched

together, and purporting to be records of proceedings in the Court of Claims, and o evidence collected under the authority of that court in this same case of J. W. Par ish, or J. W. Parish & Co., against the United States. These, having been compare with the corresponding documents in the Court of Claims, are considered authentic and will be referred to by their running or pencil paging.

How much ice, then, did Joseph W. Parish buy in good faith between March 5 an April 2, 1863, in order to fulfill his contract with the Government? (See page 3.)

1. It appears that Mr. Parish, upon making his contract, went direct to Chicago that he was there at least as early as March 11. (P. 114.) On the morning of the 12t he bought of Benjamin F. Beasley 6,000 tons, then piled on the shore of Lake Pepin and paid $15,550. He also paid Beasley's expenses, but the amount is not stated, an cannot be counted. Mr. Parish then went to Saint Louis (pp. 78, 114, 120), conferre with the Assistant Surgeon-General, received the order for 30,000 tons on the 25th, an set out to return to Chicago the same evening. (Pp. 186, 192.)

2. He there made arrangements with Joel H. Wicker to assist him in purchasing an forwarding ice, and on the 26th or 27th (p. 174) agreed with Alexander & Wheele for 7,000 tons, to be brought from Ogdensburg and Kingston, on the Saint Lawrenc The price is immaterial. (Pp. 32, 34.)

3. Returning to Saint Louis, Parish bought, about the end of March, 800 tons fro Henry Learned, acting as commission agent for several dealers. (Pp. 17, 32.)

4. Some time before March 24 he bought of Isaac D. Harmon 3,000 tons lying at an near Peru, on the Illinois River.

5. Joel H. Wicker, in March or the 1st of April, bought for Parish 10,000 tons, a Reed's Landing, on Lake Pepin, at an aggregate cost of $25,000. (Pp. 32, 33, 112 He says in one place $26,000, and in another $25,000 or $26,000.

6. Joel H. Wicker "picked up around Chicago about 6,000 tons," prices various b uncertain.

To recapitulate, then, there was bought—

	Tons.
1. From B. F. Beasley	6,0
2. From Alexander & Wheeler	7,0
3. From Henry Learned	8
4. From Isaac D. Harmon	3,0
5. By J. H. Wicker, at Lake Pepin	10,0
6. By J. H. Wicker, around Chicago	6,0
Total	32,8
Admitted by the Government as above	12,6
Left on the contractor's hands	20,1

It is claimed, on the strength of statements on pages 12 and 222, that Mr. Paris bought in March, 1863, of William L. Huse, 1,162 tons, but this item is inadmissibl The bill of lading on page 222, dated March 24, does not prove a purchase from Willia L. Huse by J. W. Parish, and probably refers to a part of the 3,000 tons bought fo Parish by Isaac D. Harmon in the neighborhood of Peru. (Pp. 226, 227.) The testi mony of William L. Huse himself is explicit that the sale was of 1,148 tons from his ice house at Saint Louis after the 6th of April. Being after Mr. Parish was aware of th suspension of the order, the Government is not liable for it; yet, as the ice was deliv ered and paid for at the time, it cannot be wholly ignored. It will be considered he as taking the place of a part of the ice bought at Chicago, and will be deducted her after from the surplus left over there. In like manner, the 395 tons bought of Willia L. Huse in September will be entirely disregarded. (P. 226.)

The next point to be considered is whether the contractor is entitled to be paid f the unused remainder of 32,800, or of only 30,000. As he was finally paid for meltag on shipboard, as per bills of lading, if he had shipped and billed all the ice as soon purchased, we should take into account only the 30,000, and exclude any excess ov that amount from the latest purchase. But that was far from being the case, and was his duty to secure enough to make good the loss until the last was shipped water or delivered by land. Now, the time for delivering the 10,000 tons at Sai Louis and Cairo were left undetermined, and in all cases there were more or less del and waste. The ice bought at Ogdensburg had to be brought from the Saint La rence by vessel, at the risk of the purchaser as to meltage, unloaded and stored Chicago, and then forwarded from time to time.

Considerable of the ice was sent by rail, where the provision for meltage was applicable. Wicker paid at one time $4,675 for freight of 85 cars on the Illinois Ce tral Railroad. (P. 215.) The ice sent to Nashville was not called for until the 29th June. (P. 143.) It had then been kept in store nearly three months, was sent rail to Alton, and finally shipped and invoiced at Smithland, Ky., July 13. (P. 13 And during all this time the wastage was at the risk of the contractor. In May, Pa

ish sent a train of cars loaded with ice to Cairo, Ill. Medical Storekeeper Stevens accepted, as he says, 250 tons of it, and refused 1,200 tons because it came without previous notice, and he had nowhere to put it. He says that it was of poor quality; but that did not prevent his accepting all he wanted. (Pp. 170, 171.) In view of these and similar facts it is believed that the margin of 2,800 tons was not more than enough to cover wastage until shipment.

What particular ice then was shipped, and accepted by the Government? and what was left on the contractor's hands? Fortunately, in the present state of the case, it was the lowest priced article that was left unused. The 800 tons bought at Saint Louis was no doubt all delivered. So, too, was the 3,000 tons at Peru, and the 7,000 brought from the Saint Lawrence. (Pp. 30, 177, 208.) The remainder of the 12,671 tons delivered, that is 1,871 tons, was taken from the 6,000 "picked up around Chicago," leaving 4,129 tons* at Chicago, and 16,000 tons at Lake Pepin. We have seen that the Lake Pepin ice cost $40,550, but the price of that bought at Chicago is unknown, and can only be estimated.

The testimony is unanimous that the winter had been unusually open, and that ice was correspondingly scarce and dear. This was the reason for sending to Lake Pepin and the Saint Lawrence. On this point see the evidence *passim*, and particularly pages 39, 45, 69, 116, 175. Alonzo J. Willard, a witness for the defendants, says the average market price of ice at Chicago for ten years was about $4, but thinks it was that year from $10 to $12.50. The records of this office show that a contract was made May 7, 1862, with the Chicago Ice Company. The price was $5 per ton, and $10.50 when packed in car-loads for transportation. In an affidavit of Joel H. Wicker, taken for the claimant, and numbered "10," among these papers, it is stated that the prices paid ranged "from five to eight dollars a ton in different lots and from different persons." In view of the facts just cited, and the further consideration that a large number of items have to be thrown out entirely for uncertainty, it is considered fair to assume the mean of the two prices named in the affidavit, $6.50 per ton.

This would make for the unused Chicago ice	$26,708 50
Add the ice at Lake Pepin	40,550 00
Total cost of ice lost	67,258 50

The Supreme Court hold that the claimant is entitled to recover his necessary expenses in procuring and taking care of the ice. The greater part of these, however, are unknown, and cannot be taken into account. Document No. 6 is an affidavit of the claimant that the expenses he incurred in taking care of the ice that was lost would "exceed rather than fall short of the sum of $5,000." Whether that estimate be correct or not, it should be set aside, as not being sufficiently specific or authenticated. On page 214 of the record will be found a memorandum of account with Parish & Co., kept and sworn to by John McA. Campbell, clerk to Joel H. Wicker. The items of this account are properly divisible into four classes. First are those already included in price paid for the ice, and not to be reckoned again. The second class are such items as freight, connected with that part of the ice accepted by the Government, also to be excluded. Thirdly, there are items which cannot be located; these will be presumed to be connected with the ice handled at Chicago. Four-thirteenths of these items may be allowed, that being the proportion of ice left on the contractor's hands. While this ice required less hauling and handling than the other, it required more storage. Fourthly, there are expenses connected with the Lake Pepin ice which are to be allowed in full. The third class comprises the items—

To telegraph at sundry times	$15 77
To fare to Saint Louis and back	24 00
To telegraph	5 78
To fare to Saint Louis and back	25 00
To hay	6 14
To sawdust, $10; to telegraph, $2	12 00
To hay and sawdust	31 34
To men ⅔ labor in ice-house	143 36
To sawdust	33 00
May 2. To rent to Follenslur	200 00
13. To Chatterton, building ice-house	150 00
25. To 5 baskets	3 75
25. To watchman at ice-house	9 00
May 25. To sawdust, 15 loads	7 50
25. To men and teams	138 00
27. To labor	1 50

*If the 1,148 tons bought of Wm. L. Huse were taken into account it would be 5,277.

May	27.	To telegraph	$3 08
	30.	To Wadsam, Williard & Co	600 00
	30.	To lumber from Presbry, Yard & Co	9 60
	30.	To Hutchens, team	75 00
	30.	To I. Furney, foreman	12 00
June	3.	To labor, 2 men	2 12
	4.	To telegraph	1 00
	4.	To teams hauling ice	40 00
	4.	To telegraph	87
	5.	To watchman	9 00
	8.	To sawdust	97 25
	10.	To watchman	9 00
	13.	To labor, Furney, 6 men	41 61
	13.	To labor, Murphy	121 87
	13.	To telegraph, $1.29, $1.20	2 49
	13.	To shavings	8 50
	13.	To labor, 75 cents; telegraph, 95 cents; labor, $1.88	3 58
	13.	To express, hauling tools	50
	17.	To telegraph, 73 cents; labor, $35.63	36 36
	17.	To labor, $17.50; sawdust, $10	27 50
	17.	To telegraph, 77 cents; labor, $137.96	138 73
	20.	To labor, $14.25, $25, $7; shavings, $13.50	59 75
	23.	To C. Mears in full for lumber	104 42
	24.	To labor, $10, $17, $9	36 00
	24.	To sawdust, $12.50; labor, $29.27; telegraph, 90 cents	42 67
	24.	To (Murphy, $5, labor) expense of Murphy, $20	25 00
	24.	To hauling tools	1 00
	24.	To telegraph, 45 cents; labor, $1.50	1 95
	27.	To labor, $240.20; telegraph, $2.20	242 40
	27.	To labor, $57, $52.14; teams, $64	173 14
	27.	To I. P. Chapin, on boat	40 00
May	30.	To teams, hauling, omitted	8 00
	30.	To telegraph	95
July	1.	To labor, $19.40; telegraph, 77 cents, $1.15	21 32
	3.	To telegraph	1 15
	10.	To paid Murphy	75 00
	11.	To hauling tools	1 00
	14.	To telegraph	87
	14.	To labor, $7.68, $3	10 68
	22.	To weighing ice	2 40
	22.	To labor	99 50
			2,993 40
Four-thirteenths of this amount is			921 04

The items pertaining wholly to the Lake Pepin ice are:

Paid lawyer at Reed's Landing	$50 00
To expenses to Reed's Landing and back	70 00
To Cullen, for ice-house	280 00
To telegraph to Minneola	1 57
May 27. To J. W. Cullen, lumber at Reed's Landing	280 00
Add to these expenses of Parish's trip to Lake Pepin	70 00
Services of J. T. Parish, taking care of ice from April 15, to September 30, including board and transportation, say $60 a month *	330 00
	1,081 57

The deductions to be made are:

Judgment of the Court of Claims, March 9, 1881	10,444 91
Lumber sold, page 109	200 00
Lumber and ice sold, page 216	274 35
	10,919 26

* Pages 108 to 111.

The account then stands:

Cost of ice lost	$67,258 50
Expenses at Chicago	921 04
Ditto Lake Pepin	1,081 57
	69,261 11
Deduct as shown above	10,919 26
	58,341 85

If the foregoing computations be correct, there remains due Joseph W. Parish, under the decision of the Supreme Court, fifty-eight thousand three hundred and forty-one dollars and eight-five cents.

Very respectfully, your obedient servant,

JOS. K. BARNES,
Surgeon-General, United States Army.

The Hon. SECRETARY OF WAR.

C

VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5123.]

Committee on Pensions, to whom was referred the bill (H. R. 5123) anting a pension to Frederick Braunwald, have examined the same, and port as follows:

ederick Braunwald was a private in Company E, Thirty-seventh iment Illinois Volunteer Infantry. In the battle of Pea Ridge, Ar- as, he received a wound from shell in left ankle, from which wound still suffering, and is disabled.

our committee recommend that the bill do pass.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1329.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6044.]

The Committee on Pensions, to whom was referred the bill (H. R. 6044) granting a pension to Eliza Pigeon, have examined the same, and report as follows:

The facts establish that Eliza Pigeon is widow of Joseph Pigeon, late private in Company B, Third Regiment New York Artillery Volunteers, who died in October, 1881, from disease contracted in the service.

Your committee recommend that the bill do pass.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1330.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5364.]

The Committee on Pensions, to whom was referred the bill (H. R. 5364) granting a pension to William H. Whitcomb, have examined the same, and report as follows:

Said Whitcomb was a soldier in Company M, Fifth Regiment New York Cavalry Volunteers, and served from October 1, 1861, to July 19, 1865. He was injured in service, and his disability is continuous.

Your committee recommend the passage of the bill, with an amendment to strike out all after the word "cavalry," in line 7.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1331.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. JACKSON, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 851.]

The Committee on Claims, to whom was referred the bill (H. R) 851, for the relief of the heirs of Mary Jane Veazie, have examined the same, and report as follows:

At the first session of the Forty-seventh Congress this claim was favorably reported by the committee and passed the Senate, but was not reached in the House during that Congress. The bill which the committee reported and which passed the Senate recommended the payment of $4,400. At the present session of Congress the House has passed the bill for claimants' relief, but reduced the amount allowed to $2,500.

Your committee think that claimants are clearly entitled to the amount allowed by the House bill, and recommend its passage by the Senate.

All the material facts of the case are fully set forth in Senate report No. 406, first session of Forty-seventh Congress, and in House report No. 2300 of the present session of Congress. Said reports are here referred to and readopted.

[H. Report 2300, Forty-eighth Congress, first session.]

The facts out of which this claim for relief arises will be found stated in Senate report of the Committee on Claims, No. 406, first session, Forty-seventh Congress, hereto appended.

Your committee adopt the said report as their own, and report back the bill with the recommendation that it do pass, with an amendment, as follows:

Insert in the third line in place of the words "five thousand four hundred and forty" the words "two thousand five hundred."

The Committee on Claims, to whom was referred a bill for the relief of Mrs. Mary Jane Veazie, having examined the same, make the following report:

It appears from the evidence and papers on file in this case that from July, 1863, to December, 1863, there was taken from the plantation and residence of Mrs. Mary Jane Veazie, near the city of Natchez, in the county of Adams, and State of Mississippi, by the military authorities of the Government, for use of the United States troops then in the permanent occupation of that district, and stationed at said post, certain property belonging to the said Mary Jane Veazie, for which the present bill proposes

to make her compensation. She describes the property taken, and states her acc against the Government as follows:

Two horses, at $150 each, one carriage, $200	
Sixty head of hogs, at $8	
Fifty-six head of neat cattle, $20	1
Fencing used for fuel	
Twenty-five brood mares, at $50	1
One hundred and fifty cords of wood, at $3	
Three frame houses, at $200, $185, and $135	
Two bales of cotton, 420 pounds each = 840 pounds, at $1	
Total	5,

Which amount she claims under the act of Congress of July 4, 1864. She st that no receipt or voucher was given her for the property; that she had no one to tend to the matter, her husband being at the time absent, employed in the cust house at New Orleans, La., while she was prevented from looking after the busines person by the long protracted and fatal sickness of her little child. It is clearly est lished by a number of credible witnesses, who were in a position to know, and testify to the fact as of their own knowledge, that the above described property actually taken in 1863 from the said Mary Jane Veazie for the use of the United St Army stationed in and around the city of Natchez, and that the charges which has made were the fair market prices therefor at the time and place the same taken. It is also shown that Judge James H. Veazie, the husband of the said M Jane Veazie, was a loyal and consistent Union man, devoted to the Government Union of the States; that he opposed secession, and gave no aid to the rebellion; that in 1863, when his wife's property was taken as aforesaid, he was employed in custom-house at New Orleans. In 1864, 1865, and 1866 he was employed as cashie the assistant treasury in that city. Among others who testify to Judge Veazie's alty is General Stewart Van Vliet, assistant quartermaster United States Army, says, "I know that he was a loyal citizen during the war, and is so now." It is clearly established by the affidavits of several creditable parties, well acquai with Mrs. Veazie, that she shared fully her husband's sentiments and devotion to Union; that she and her family were loyal to the Government, and gave no aid to rebellion. Her property having been appropriated to the use of the Government, right to compensation, in the opinion of your committee, comes within the spiri not the letter, of the act of July 4, 1864. But the items of $200 for carriage, and for two bales of cotton, taken from claimant, cannot be properly regarded as a ne sary army supply, and should be rejected. Your committee accordingly recomm that the bill for relief of claimant be amended by striking out the words "five t sand four hundred and forty dollars," in the third line of the bill, and insertin lieu thereof the words "four thousand and four hundred dollars," and, as amended, the committee recommend the passage of the bill by the Senate.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1332.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2398.]

The Committee on Pensions, to whom was referred the bill (H. R. 2398) granting increase of pension to Mrs. Ann W. Mulvey, have examined the same, and report as follows:

The facts are found correct as stated in the following House report:

The petitioner, Mrs. Ann W. Mulvey, asks an increase of her pension, in accordance with the accompanying bill, for good and sufficient reasons, as hereinafter stated. Her three sons enlisted in the Army and did service in the late war, two of whom were killed in battle and one died in hospital from wounds and exposure. One son lost his life at Chancellorsville. The battle in which the other was killed is not stated in the official papers, but the fact appears in letters and affidavits made by herself and others.

At the time of their enlistment her husband was an invalid, unable to earn his living, and the family was dependent entirely upon the sons for support. The ground upon which she received her pension was the case of the youngest son, Augustus, and is presented in detail. He enlisted as a drummer June 3, 1862, in Company D, Eleventh Regiment New Jersey Volunteers, and was discharged August 15, 1863. His particular disability was a sprain in the left shoulder and right breast, received at Falmouth, Va., and he was rendered thereby unfit for duty.

The surgeon's certificate states that he was discharged because of "advanced" tuberculosis, contracted after enlistment. The affidavit of Alexander N. Dougherty, surgeon and commander of the New Jersey Home for Disabled Soldiers, located at Newark, N. J., shows that he was treated for consumption from March 3, 1870, to April 11, 1870, on which last-named day he died, and he swears also that the disease was contracted in the service. Augustus was but seventeen years of age when he died. No pension was granted him, although application was made; but death occurred before claim was decided.

The case seems one of peculiar hardship. The mother and sons, it may be assumed, from an unselfish devotion to the country's cause, sacrificed themselves for its preservation. With a sick husband to care for, and her sons taking the risks of battle and of death for the small pittance received by the soldier, a bare maintenance for the destitute family, and the final total destruction of this mother's support, impresses the committee with the conviction that it would be but justice to grant her request, and therefore recommend the passage of bill H. R. 2398.

Your committee recommend the passage of the bill with an amendment striking out "twenty-four" and inserting "sixteen."

C

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1333.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1759.]

The Committee on Pensions, to whom was referred the bill (H. R. 1759) granting a pension to Robert Patterson, have examined the same, and report as follows:

The claimant, Robert Patterson, enlisted and was mustered into the United States military service on the 19th day of April, 1864, as a private in Company F, Thirty-seventh Wisconsin Volunteers, and served until May 24, 1865, when he was honorably discharged.

He made application for a pension upon the 4th day of February, 1876, upon the ground that he was disabled on account of rheumatism and erysipelas contracted in said military service, which was rejected by the Pension Office upon the 8th day of September, 1877, upon the ground that there was "no record of alleged disability, and inability of the claimant to furnish medical evidence connecting the alleged disability with the military service."

The proof is clear that he was a sound and healthy man when he entered the service. The testimony is also satisfactory that he contracted the diseases alleged at White House Landing, in August, 1864, in the State of Virginia, and while in the line of duty. It is also fully established that he was suffering from the effects of those diseases when he was discharged from the service, and that he has continued to suffer therefrom ever since that until the present time. That his disability is the result of diseases contracted in the service seems to be fully established. Examining Surgeon F. V. Burroughs, of Marston, Wis., testifies:

> In my opinion the said Robert Patterson is one half incapacitated for obtaining his subsistence by manual labor from disability resulting from erysipelas and chronic rheumatism.

The foregoing findings and conclusions are supported by the testimony of six witnesses besides the examining surgeon. Your committee therefore report in favor of the passage of said bill.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1334.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7524.]

The Committee on Pensions, to whom was referred the bill (H. R. 7524) granting a pension to Lavisa Heth, have examined the same, and report as follows:

The husband of this claimant was a good soldier, with a record extending through the whole war, having served in the Forty-ninth Indiana Volunteers and in the One hundred and forty-fourth Indiana Volunteers. He incurred rheumatism in the military service, and suffered therefrom up to the time of his death. The immediate cause of his death was a heart-clot, which occurred while he was suffering from a severe attack of pneumonia. The Pension Office could not, upon the certificate of the physician attending him in his last illness, grant the widow a pension, as rheumatism was not the immediate cause of his death. He states in his affidavit, however, that rheumatism rendered him more liable to heart-clot.

It appears to your committee, therefore, that there was a sufficient connection between the cause of death and the disease which originated in the service to enable us to justify a favorable report in this case, particularly in view of the faithful services of the soldier, and the needy and helpless condition of his widow, which is clearly established by abundant testimony.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1335.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2400.]

The Committee on Pensions, to whom was referred the bill (S. 2400) granting a pension to Eliza W. Thornburg, have examined the same, and report as follows:

The applicant is the widow of Maj. Thomas Tipton Thornburg, who was killed in action against the Ute Indians, near Milk Creek, Colorado, September 29, 1879. The military record and sterling qualities of Major Thornburg are fully stated in the following:

GENERAL ORDERS, No. 32. } HEADQUARTERS FOURTH U. S. INFANTRY, *Fort Sanders, Wyo., October* 16, 1879.

It has become the sad duty of the colonel commanding to announce to the regiment the death of Maj. Thomas T. Thornburgh, Fourth Infantry, who was killed in action against hostile Ute Indians near Milk Creek, Colorado, September 29, 1879.

Major Thornburgh's first military service was rendered during the late rebellion. He was a native of Tennessee, and in September, 1861, enlisted in the Sixth Regiment of Tennessee Volunteers. In that regiment he served five months as a private, two months as sergeant-major, and for the remainder of his time in the volunteer service as lieutenant and adjutant. He took part in the battle of Mill Springs, Ky., January 17, 1862; was with General George W. Morgan's division when, being compelled to evacuate Cumberland Gap, in September, 1862, it made its celebrated retreat of nearly 300 miles, through an enemy's country to the Ohio River; and participated in the battle of Stone River, December 31, 1862, where his horse was shot under him.

He was entered as cadet at the United States Military Academy July 1, 1863, and was graduated therefrom and appointed second lieutenant Second Artillery, June 17, 1867. After the expiration of his graduating leave he served with his regiment on the Pacific coast until February 25, 1868; and from April 13, 1868, to May, 1869, was at the artillery school at Fort Monroe, Va. He returned to the Pacific coast June 14, 1869; was promoted first lieutenant in his regiment April 21, 1870; and was detailed by order of the President, as professor of military science at the East Tennessee University, at Knoxville, Tenn., from November 27, 1871, to June 20, 1873, when he was relieved at his own request. He was stationed at Fort Foote, Md., from June 30, 1873, to April 26, 1875; at which latter date he was appoined major and paymaster United States Army, and served as such in the departments of Texas and the Platte. He was transferred to this regiment vice Maj. Henry G. Thomas, May 23, 1878.

Major Thornburgh's first field service after he had joined this regiment was his vigorous pursuit, with a detachment of hastily mounted infantry soldiers, of the band of Cheyenne Indians under Dull Knife, who were making their memorable flight northwards from their reservation in the Indian Territory. Getting upon their trail late in the afternoon, and some hours after the Indians had passed, he began a pursuit which he maintained with the greatest preseverance and energy for several days, until the trail was lost, pressing the Indians so closely that they abandoned much of their property and stock.

On the 21st of September last Major Thornburgh left his station, Fort Fred. Steele, Wyo., with a detachment *of four companies, constituting* a force of 7 officers and

185 men, under the instructions of the department commander to proceed to the Whi River Ute Agency. On the 29th, while en route with a portion of his command, l encountered a strong body of Indians near Milk Creek, Colorado, a rugged and mo difficult mountain region. A desperate engagement, the details of which it is n necessary to recite, speedily followed, in the course of which, a few moments aft he had led a most gallant charge, Major Thornburgh was shot through the head a fell dead on the field. Thus in soldierly devotion to duty was closed an honoral and useful career.

The many estimable qualities of the deceased officer made him an ornament to t service, and must have gained him friends wherever he was known. He was ambiti of soldierly achievements and distinction; was frank, genial, and considerate in social intercourse, and of strict integrity in the affairs of life.

He leaves a wife and two children to mourn his loss, who in their bereavement w receive the heartfelt sympathies of his many friends.

In honor of his memory the colors of the regiment will be draped in mourni and the officers of the regiment will wear the usual badges of mourning for thi days.

By order of Colonel Flint:

THEO. E. TRUE,
First Lieutenant Fourth Infantry, Adjutant

Official:

THEO. E. TRUE,
First Lieutenant Fourth Infantry, Adjutant

Mrs. Thornburgh was promptly granted a pension on the day , 1880, $25 for herself and $2 each for two children per mon the largest to which she was entitled by general law.

Application is now made for special act increasing pension to $5(month.

Bills of this character had their origin in the desire of Congress recognize especially brilliant and meritorious service. Afterwards tl rule was widened as to the reason, but restricted to rank, so that widov of generals, admirals, or commodores receive the special pension, as course. No matter the nature of the service, in peace or war, if the offic has been so fortunate as to reach a good old age and passed through s grades of rank, it has been presumed the conditions of brilliant a exceptional service have been reached. Your committee have thoug best to recognize the actual state of facts, and have insisted that t rule has been so much enlarged as to really ask that if anything done the general laws shall be modified and if necessary make increase, so that claimants may take as a matter of right and not entreaty.

The case of Mrs. Thornburgh is equally as meritorious, and probat more so, than many passed into laws. True, her husband had not t rank of general, but his record was brilliant, and an increase of pensi will be more just if given to the widows of all officers and privates whe the service has been brilliant.

Take this case: Ten soldiers fell by the side of Major Thornburgh. they left widows were they not as much entitled to a similar increas

I know it is claimed that in life different compensation is allowed, b there is no reason why such discrimination should continue after dea

Most of these bills are the result of sympathy and entreaty. By soc influences, by personal solicitation, by supplicating letters from gener in the Regular Army, admirals and commodores in the Navy, special bi are passed. But what of the thousand widows who cannot surrou Congress with arguments so potent?

The Senate makes the increase in cases like Mrs. Thornburgh, but yc committee feel that substantial justice will better be done by reorga izing our general laws in the matter of pensions and increasing whe *the* rate is now too small.

48TH CONGRESS, 2d Session. } SENATE. { REPORT. No. 1336.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 393.]

The Committee on Claims, to whom was referred the bill (S. 393) for the relief of Asenath A. Phelps, administratrix of the estate of Harlow J. Phelps, deceased, have considered the same, and submit the following report thereon:

This claim has been twice adversely reported from this committee—once by Mr. Howe, in the second session, Forty-second Congress, and again by Mr. Pratt, in the third session of the same Congress.

The claim was presented to the Secretary of the Treasury, and rejected by him. The facts upon which it is based, and the reasons for which it was and must be denied, are very well stated in an opinion prepared in the Treasury Department, and which is as follows, viz:

The claimants demand the return of $41,974.48 paid to O. N. Cutler, United States purchasing agent at New Orleans, on the 15th, 20th, 21st, and 23d of June, 1865, as the value of one-fourth of certain cotton brought into New Orleans from territory west of the Mississippi River prior to the 13th of June, 1865, on the ground that the restrictions imposed by law and Treasury regulations "upon the removal of productions of States declared in insurrection," &c., "east of the Mississippi River," having been annulled and removed by proclamation of the President on the last-named day, the action of the purchasing agent in requiring one-fourth of such products, or its value, subsequent to said day, was illegal and improper, New Orleans being located east of that river.

The answer to this demand is that, so far as concerns the removal of products from insurrectionary territory west of the Mississippi River to New Orleans, the action of the agent in requiring one-fourth of such products, or its value, at any time on and after the 13th, and before the 24th, of June, 1865, was as clearly within the law as his action had been in making the same requirement previous to the promulgation of said proclamation.

That proclamation did not affect or change the status of New Orleans, as a place excepted from a condition of insurrection by the proclamation of the President of March 31, 1863, and thereby placed on the same footing, as regards commercial intercourse with the States and parts of States not therein declared in insurrection; and its location, therefore, has no important bearing on the case.

When the cotton in question was brought into New Orleans, between the 6th and 13th of June, 1865, from territory west of the Mississippi River, which had been declared by the President, in pursuance of law, to be in insurrection, it crossed the dividing line, to cross which, according to the proclamation of March 31, 1863, was unlawful, and forfeited the offending products, together with the vessel or vehicle conveying the same, to the United States, unless the cotton was so brought for the purpose of selling it to an agent authorized to purchase the same for the United States, under the act of July 2, 1864, and in pursuance of an express or implied agreement of sale with such agent. (Exec. Order of Sept. 24, 1864, Paragraphs II and IV.)

Such products, so moving at any time previous to the promulgation of the proc
tion of the President of June 24, 1865, would have been in the same predicamer
If this proposition is correct it necessarily follows that the action of the age
this case was legal and proper, for the sale to the agent and the resale to the clai
were completed transactions prior to the issuance of the proclamation last menti

In this conclusion the committee concur, and therefore recom
that the claim be not allowed, and that the bill be indefinitely postpo

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ONGRESS, } SENATE. { REPORT
ession. } { No. 1337.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

GALLS, from the Committee on the Judiciary, submitted the following

REPORT:

Committee on the Judiciary, in obedience to a resolution adopted by nate on the 7th instant, in the following words :

ved, That the Committee on the Judiciary be directed to inquire and report to nate as to whether any legislation is required, and, if so, what, in regard to pointment of courts-martial and the regulation of proceedings and practice in before such courts in time of peace; and whether, under existing law, an offi- y be tried before a court-martial appointed by the President in cases where the nder of the accused officer to be tried is not the accuser,

tfully reports :

st. That the attention of the committee has only been called to opics connected with the question whether any further legislation uired in regard to the appointment of courts-martial and the reg- n of proceedings and practice in trials before such courts in time ace.

icle 79 of the Articles of War (R. S., title 14, ch. 5, p. 238) provides

ers shall be tried only by general courts-martial; and no officer shall, when it avoided, be tried by officers inferior to him in rank.

as been said, and the committee thinks correctly, that it not in- ently happens that it is substantially impracticable to compose a martial of officers superior in rank to the accused, and in such it happens that some of the officers who try the accused are in- in rank to him, and in certain departments of the Army they may t of those who will necessarily be promoted in case the accused missed. This is inconsistent with the best ideas of the adminis- n of justice, inasmuch as some of the members of the tribunal will a certain sense, gainers by one result of their judgment. It is that this state of things ought to be averted in every case possi- The committee thinks, therefore, that the law in this respect may efully amended, so as to provide that when officers superior in o the accused cannot be had to compose the court (and, perhaps, l, in all cases in time of peace), the court-martial shall be com- of a certain proportion of judicial officers of the United States, s circuit and district judges, or, perhaps, of persons composing of the supreme judicial courts of the States, so that the court- al shall contain some members specially trained in the administra- f justice, learned in the law, in the practice of courts, and in the of evidence.

The committee also thinks that it will be expedient to amend art 94 of the Articles of War (R. S., title 14, ch. 5, p. 239), so as to prov that the court-martial shall have power to regulate the time and d tion of its daily sittings.

There are other particulars in which the undersigned think the and practice of courts-martial might profitably be amended. On these is the relation of the judge-advocate to the court and the un advantage given to the prosecution by his presence at its confider deliberations. It is often the case that the natural effect of advoc is to render that officer as zealous in the prosecution of the accuse are prosecuting officers in ordinary criminal cases. His presence at confidential discussions of the court gives him information as to state of mind of its members, the impression which particular evid makes or is likely to make, and their views of the case so far as it proceeded, thereby giving him an advantage in shaping the subseq conduct of the case and in the argument, of which the counsel for defence is deprived. But there is not now time to mature and a law correcting these evils.

Second. The committee is of opinion that—

An officer may be tried before a court-martial appointed by the President in where the commander of the accused officer to be tried is not the accuser.

The Constitution of the United States provides: (A) that "the P ident shall be Commander-in-Chief of the Army and Navy of the Un States, and of the militia of the several States when called into actual service of the United States." (Art. 2, sec. 2.)

The Constitution also provides: (B) that the Congress shall h power to "make rules for the government and regulation of the l and naval forces." (Art. 1, sec. 8, par. 14.)

The investigations of the committee satisfy it that, at the time of adoption of the Constitution, the power of the commander-in-chie the armies of every civilized country included the power to order constitute courts-martial for the trial of persons engaged in the mili service.

The inquiries of the committee also satisfy it that from 1789 dow this time the President of the United States has, as often as occa required, exercised this power without serious question from any sou

The Continental Congress, which by the articles of confederation supreme control of the armies of the United States, as in the place single sovereign, provided in its rules and articles of war that gen courts-martial *shall* be ordered as often as the cases may require by general or officer commanding the troops. (Journals of Congress, 31, 1786.)

This state of things continued until the adoption of the present C stitution (C). Under the present Constitution Congress in 1790 acted, in substance, that the Continental rules and articles of war sh continue in force. (Stats., v. 1, p. 121.)

Again, in 1795, Congress enacted that the troops then raised sh be subject to the rules and articles of war then in force. (Stats., p. 432, sec. 14.)

Again, in 1796, Congress enacted that sentences of general courts-tial should be laid before the President and passed upon by him. (St v. 1, p. 485, sec. 18.)

Again, in 1798, Congress enacted that all laws then in force for government of the Army should be continued. (Stats., v. 1, p. 558

Again, in 1799, Congress enacted, in the bill to augment the pr

ional army of the United States, that all laws then in force for the government of the Army should apply. (Stats., v. 1, p. 725.)

Again, in 1802, Congress enacted that the President should have power to appoint judge-advocates for conducting the proceedings of any general court-martial. (Stats., v. 2, p. 136, sec. 21.)

And in 1806 Congress, for the first time under the present Constitution, enacted a code of rules and articles of war, and in this enactment simply provided: First, for the number that should compose a general court-martial; and second, that "any general officer commanding an army, or colonel commanding a separate department, *may* appoint general courts-martial whenever necessary." (Stats., v. 2, p. 367, arts. 64 and 65.)

It thus appears that under the articles of the confederation, there being no President of the United States, the Congress of the States provided that the general commanding the army *shall* appoint general courts-martial, &c., the supreme executive power then being in the Congress itself, which, as is well known, not infrequently directed the operations of the army.

Under the present Constitution, when, for the first time in 1806, Congress enacted a code on the subject, it changed the imperative language of the articles of war existing under the confederation, and simply provided that any general officer commanding an army, &c., *may* appoint general courts-martial, thus evidently intending to confer an authority and not to exclude the inherent power residing in the President of the United States under the Constitution.

The substance of this provision has been in force ever since, and from the formation of the Constitution until the present time the committee is advised that the President of the United States has, at all times, when in his opinion it was expedient, constituted general courts martial.

In this state of the history of legislation and practice, and in consideration of the nature of the office of Commander-in-Chief of the Armies of the United States, the committee is of opinion that the acts of Congress which have authorized the constitution of general courts-martial by an officer commanding an army, department, &c., are, instead of being restrictive of the power of the Commander-in-Chief, separate acts of legislation, and merely provide for the constitution of general courts-martial by officers subordinate to the Commander-in-Chief, and who, without such legislation, would not possess that power, and that they do not in any manner control or restrain the Commander-in-Chief of the Army from exercising the power which the committee think, in the absence of legislation expressly prohibitive, resides in him from the very nature of his office, and which, as has been stated, has always been exercised.

The committee is also of the opinion that such a power residing in the civil and constitutional Commander-in-Chief of the Armies of the United States is necessary to the good government and regulation of the Army. It may sometimes happen that the public interest would require a military judicial investigation and trial respecting the conduct of an officer which the officer commanding might not think expedient, or choose to direct. In such cases, certainly, the civil and constitutional commander of all the armies, responsible in his civil character for the correctness of his official conduct, and bound to take care that the laws be faithfully executed, ought to have the power to constitute general courts-martial, in order that justice and good government may prevail.

The committee is also advised that there are some officers of the

Army of the United States who, under the present laws and regulations, are not serving under or subject to the orders of any of the officers mentioned in the Articles of War as authorized to constitute general courts-martial, and consequently, if any other view of the law were taken than that before mentioned these officers could not be subjected to any trial whatever by a court-martial.

The committee may add that in March, 1879, acting under a resolution of the Senate, the committee investigated this subject in connection with the matter of Benjamin P. Runkle, and came to the same conclusion that it now reports, although it had not then the time to consider the matter historically so fully as is now set forth.

The committee was unanimous in the conclusion herein reached, with the exception of one member, and his dissent may have rested upon facts in connection with the detailed organization of the court-martial, and not upon the broad question hereinbefore considered.

All of which is respectfully submitted.

GEO. F. EDMUNDS.
JOHN J. INGALLS.
S. J. R. McMILLAN.
GEO. F. HOAR.
A. H. GARLAND.
JAMES L. PUGH.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1338.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 19, 1885.—Ordered to be printed.

Mr. JACKSON, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2598.]

The Committee on Claims, to whom was referred the bill (S. 2598) for the relief of Mrs. Lizzie D. Clarke, have examined the same, and report:

That the history and material facts of this case are fully set out in the report of the House Committee on Claims, and said report is adopted as follows:

The facts in the case are well ascertained by the record in the case of Thomas L. Clarke vs. United States, in the Court of Claims (10 Ct. of C. Cases, 104, and in the same case in 95 United States Supreme Court Rep., 539). The depositions of a number of witnesses are in the record, among whom is Maj. O. O. Potter, quartermaster, U. S. A., with whom the contract was made, and the papers from the Third Auditor's Office of the Treasury Department have been laid before the committee.

The facts deduced from this evidence are these:

In September, 1865, just after the close of the civil war between the States, and before the confusion incident to a state of war had subsided, at a time when the Government by its armies was attempting to restore order and to suppress any straggling forces which might still be in hostility to the Government, Brigadier-General Steele, was in command of the United States forces at Brownsville, on the Rio Grande, in the State of Texas. It was important in his view to carry military stores and other supplies from Brownsville up that river to Ringgold Barracks. He had no transportation at hand, by land or water.

In the Mexican waters and on the Mexican side of the river at Matamoros there was a steamer called the Bell, in the hands of and belonging to Thomas L. Clarke. Maj. O. O. Potter, quartermaster of the Army, was sent to Matamoros to procure this steamer for Government use in conveying stores to the Ringgold Barracks. Being in Mexican waters, she could not be seized or impressed into the service, and Major Potter, quartermaster, under the authority of General Steele, made a verbal contract with Mr. Clarke, the owner, by which it was agreed to pay $150 per day for hire, and to pay for her loss, if such event should occur upon her trial trip to Ringgold Barracks, with the further understanding that if she should be found to be suitable for the service a written contract would be made for her future use.

It further appears there was no other vessel on the river within our territory which could be procured.

There was no mode of insuring the vessel at that time and in that quarter, and the owner relied upon the contract of the Government, through its quartermaster, to pay for her if lost on the trip.

Upon these terms the Bell was delivered to the officer, brought to Brownsville, loaded, manned by the Government, and started on the trip. It appears she was very heavily loaded, and that in making a turn in the river she was run against its bank, was snagged and sunk, a complete loss, in 30 feet water, and then drifted down-stream and was buried in a sand-bank.

The owner made claim for hire and loss of vessel to the Department; then by petition before the Court of Claims, where it was dismissed, and then appealed to the Supreme Court.

That court decided, that under the act of June 2, 1862 (12 Stat., 411), the contract was invalid, because not in writing; but that *as the contract* had been executed by

the claimant in the delivery of his vessel for public use, a recovery for the hire *quantum meruit* should be allowed, and at the price agreed upon; but that there c be no recovery for the loss. From the judgment of the court there was a dissen three justices, Miller, Field, and Hunt, through a strong opinion by Mr. Justice M who held the statute prescribing the need of a written contract to be directory mandatory. There is nothing in the opinion of the court, or in the dissenting opi which indicates any thought in the mind of the court that the contract against was *ultra vires*, or that it would have been invalid, if it had been in writing, no counsel for the Government seem to have raised this point.

The inference from the emphasis laid on the fact that the contract was not in ing would rather be that it would have availed the claimant, had it been writte recover for the loss.

The court, however, had done justice to the claimant as to the hire upon an i cation of a contract to pay him, because the verbal contract had been executed c part. And had the loss occurred from carelessness, it would seem from the lang of the court he would have recovered its value. But as there was no proof of lessness, there was no ground to recover for the loss on a contract held to be in

Under these circumstances, the decision being made in 1877–'78, the claiman peals to Congress on the ground that, though the unwritten contract be techni invalid, as the promise to insure the owner against loss was the inducement hel in Mexican waters to bring the Bell into the hands of the Government, it i just for the Government to avoid the liability for loss on this technical plea (a doubtful one until, by a divided court, it was decided to be valid). It would fraud on the owner to offer inducement to get possession of the Bell, and then pudiate it without notice to the owner of the invalidity of the contract beca was not made in writing.

Your committee feel the full force of this argument. Good faith in transactio tween man and man would condemn such a plea after such inducement, and cou equity have never permitted the statute of frauds to be used as a defense whe defense would work a fraud. The highest good faith should mark the conduc Government to its citizens; and while its courts may be constrained to decide a a claim because based on contract void for some technical defect, yet when the a is made to the supreme authority, it behooves the Government to do justice t party, in like manner as if the contract had been formal and valid.

Your committee thought it best, however, to inquire of the War Department, wh under the law and regulations of the Army the contract in question would hav held binding had it been in writing. The question and full answer of the Qu master-General are hereto appended.

By this answer it appears that the only limit to the power of a quartermas other officer to contract for means of transportation and other supplies, especia time of war, is the public necessity; that in this case it was great and pressing in like cases the present Quartermaster-General, while quartermaster on thi river, had purchased vessels, and the accounts for their value had been passed Treasury. If a contract to buy the Bell would have been valid, it follows, *a fo* that a contract to him, with a promise to pay for her if lost during the service, be valid.

Your committee, on the facts, therefore think the Government is in justice to pay for the value of the vessel. That was assessed at $60,000. Major Potter t that is fair. No intimation appears it is not. It is certified as proved by the of Claims.

Your committee report the accompanying bill and recommend that it do pass

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QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., February 16, 1

Hon. J. RANDOLPH TUCKER,
Chairman Judiciary Committee, House of Representatives:

SIR: I have the honor to reply to your inquiry of February 11, 1885, in the of the claim of Thomas L. Clarke for the steamer Bell, as hereinafter written,

Question 1. Under the law and regulations of the Department had a quarter authority, with the orders of the general commanding in the field or at a stati as matters were in 1865 (September) on the Rio Grande, to make a contract in ing, such as Major Potter did with Thomas L. Clarke, binding the Government responsible for the loss of the vessel, or to make such contract orally? If it ha in writing under the act of Congress referred to in the report of the case in 95 Reports, would it have been held valid, and would the War Department hav the claim for the loss?

Answer. The district of the Rio Grande was under the command of Maj. Gen.

Steele, U. S. V., and his chief quartermaster was Maj. O. O. Potter, quartermaster, Volunteers.

A large military force of cavalry had already arrived upon the Upper Rio Grande, or was expected from Shreveport, La., marching across Texas to San Antonio, and throwing out sufficient forces to take possession of the frontier from Ringgold Barracks to Fort Duncan, near Eagle Pass. These troops had to be supplied by way of the Gulf to Brazos San Diego, and thence by boat to Brownsville and to Ringgold Barracks.

The navigation of the Rio Grande is at all times difficult and dangerous, and in time of war doubly so, owing to the narrowness of the stream and the bushy character of the growth on its banks; it has a shifting channel, and means of concealing guerrillas and bushwhackers generally along its course to Ringgold. General Steele had instructions to supply the troops up the river. Boats to navigate the river have usually been built heretofore specially for that purpose, drawing, loaded, about three feet of water.

General Steele appears to have found such a boat in Matamoros, under the Mexican flag; a boat thus situated, at such a time of war and difficulty of replacement, was of the greatest value to the owner. Naturally the owner would decline to let the boat go out of his hands without full guarantee and insurance as to her safety and return to his possession; no other insurance for such navigation was possible, except that of the Government.

The vessel was obtained and manned, loaded, and dispatched to Ringgold under a bargain allowing a reasonable rate per day, thus showing that the owner did not cover his risk by exaggerated rates, but by exacting a promise that if lost she should be paid for on certain terms agreed upon.

In my opinion the two officers operating in that district, with the authority and responsibility devolving upon them, were justified in the course they took, and were actually compelled by their duty to promise what they did, if the boat could be secured in no other way. The law is mostly silent in war, except the law of good faith. The regulations do not provide for emergencies, and this was a tremendous one. If this case were in exact conformity to all the forms applicable in peace it never would have reached the halls of Congress. As to precedentss. In 1863, on the arrival of the expedition to the Rio Grande at Fort Brown, three steamers were found, under the Mexican flag, tied up at Matamoros, on the Mexican side of the river. In precisely similar circumstances they were obtained by the present writer, under the orders of the military commander present, on a verbal promise of the payment for their full value. They were delivered over for immediate service, manned, and wooded, and the money for their purchase was duly paid subsequently in New Orleans, and the accounts were passed at the Treasury.

Operations without these boats would have been impossible on that river; so it was with the steamer Bell, belonging to Mr. Clarke. I do not wish to argue this case, but it is apparent to me that the owner would not regard the question of fault or no fault in the loss of the steamer. She was in other hands than his own, and she was actually lost, and that fact was conceded; if lost by negligence, act of the enemy, or any other cause, the owner was to be paid for his boat precisely the same. It seems strange that it is legal to recognize the verbal agreement in just so far as the few days here is concerned, and repudiate the rest of the agreement as concerns the loss of the boat.

The penny is paid and the pound denied. I look upon this case as one of purely good faith under the pressure of war, and therefore as overriding all ordinary precedents and rules.

In my judgment Major Potter and his commander had full and sufficient authority to do what they did do; that is, to do all that was needful and necessary to carry out their instructions as to the military operations depending upon themselves in any practicable or possible way, by hiring anything out of their reach that could not be impressed, and by impressing any means of conveyance at hand. This was true whether the matter of agreement was reduced to writing or (time not admitting) having it in verbal form so that it was fully and fairly understood by the parties thereto. Now it was so far well understood that the property was transferred from the owner and moved from the Mexican side of the river to the Texas side, and placed in the hands of our officers. Clarke executed his part of the agreement, and the Government, in my judgment, should do its part. There were no telegraph lines in 1865, and no other swift means of communication between the Government and its forces on the Rio Grande. All the intermediate country between Washington City and the Rio Grande was boiling with war and covered with resulting confusion; the officers responsible for conducting operations on that remote frontier had to stand alone and act as best they might in order to secure success and avoid failure. The responsibilities of such a period can be but imperfectly passed upon in the light of the happy peace that rests upon this great capital to-day.

In conclusion, to my mind the reduction of this agreement to writing would not have changed materially its binding force. It was absolutely impracticable in the nature of things to conform to the statute of 1862, cited in proceedings of the Court of Claims in this case.

Most respectfully, your obedient servant,

S. B. HOLABIRD,
Quartermaster-General, U. S. A.

In addition to what is said in the foregoing report and communication from the Quartermaster-General, the contract made between the owner of the steamer Bell and the quartermaster, as above set forth, may be recognized as coming fairly within the exception as to written contracts, promulgated in Army Regulations, paragraph 1048, which is in the precise language of the act of March, 1861 (12 Stat. at L., page 220), and provides as follows:

When immediate delivery or performance is required by the public exigency, the article or service required may be procured, by open purchase or contract, at the place and in the mode in which such articles are usually bought and sold or such services engaged between individuals.

In the present case "the public exigency" for the use of the boat existed. The officer in command of the department directs his quartermaster to contract for its immediate employment, which was done, and the boat passed into the possession and service of the Government, with the express agreement that if lost in that service the owner should be paid her value. The question of the Government's legal liability to make good that loss was decided by a divided court against the owner because the contract was not in writing, but that does not meet either the merits of the claim or the measure of the Government's just obligation. The boat is shown to have been worth, at time of loss, the sum of $60,000.

The bill should be, therefore, amended by striking out the word "two" in line 8, and as thus amended your committee recommend its passage by the Senate.

CONGRESS, } SENATE. { REPORT
Session. } { No. 1339.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 19, 1885.—Ordered to be printed.

JACKSON, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 688.]

Committee on Claims, to whom was referred the bill (S. 688) for the ef of A. K. Shepard, have examined the same, and report as follows:

ie material facts of this case are set out in the report of the House mittee on Claims, made at the last session of the present Congress, which is here adopted, as follows:

Committee on Claims, to whom was referred the bill (H. R. 28) for the relief of A. K. Shepard, submit the following report:

evidence in this case shows that on the 15th day of December, 1865, the Gov- ent of the United States sold in the city of Selma, Ala., at public outcry, after otice given, a large lot old iron, brass, and copper, the debris and material on of the naval gun foundry and arsenal of the late so-called Confederate States. aid sale was made by the collector of customs for the port of Mobile, Ala., act- ider the express authority and direction of the Secretary of the Treasury of the d States. That A. K. Shepard became the purchaser of said material at the of $17,268.53, and paid the same by order of the President of the United States to al Wager Swayne, assistant commissioner of the Freedman's Bureau, and in charge Department of Alabama. That soon after Shepard obtained possession of said &c., he was dispossessed of the same by John Hardy, the marshal for the district bama, who acted under the orders of Richard Bustead, United States district for the district of Alabama, and that the said marshal, by order of the said sold the said iron with instructions to hold the proceeds subject to his orders. n conformity with said order the marshal deposited only the sum of $5,858.80 in rst National Bank of Selma, though he received a sum therefor five times greater, st $30,000. That on the 30th day of May, 1871, the said court dismissed the suit el and ordered the money deposited in the First National Bank of Selma, as above, to be paid to the said Shepard, thus establishing the validity of the ale of the said property as made by the Government on the 15th day of Decem- 65, and the legal rights of the said Shepard.

it before the said decision was made the First National Bank of Selma had failed ssed into the hands of the Comptroller of the Currency for the United States for lation, and that on the 8th day of June, 1874, the said Comptroller paid the said ird the sum of $2,050.52 as his pro rata share of the dividends arising from the of the said bank, and on the 22d day of December, 1882, paid the said Shepard rther sum of $679.62 as his portion of the final distribution of the assets of said National Bank of Selma, Ala.

it before the said Shepard was dispossessed of the said iron, brass, and copper he old a small portion of the same, amounting in the aggregate to $1,504.77; that id out for guarding and protecting said material $1,424.45, which left him the m of $80.32, which, together with the sum of $2,730.14 received from the Comp- r, makes a total net balance received by him of $2,810.46, without any allow- or the heavy court expenses and other necessary outlays in pursuit of his rights, are shown to equal that amount.

consideration of all which your committee report favorably and recommend the ge of the bill with the following amendment: Amend the fifth line by striking seventeen thousand," and insert "*fourteen thousand* four hundred and fifty- and seven *one-hundredths.*"

From the paper before your committee it appears that before the seizu of the property by the marshal, Shepard had contracted with responsil parties to sell the lot of scrap-iron, &c., purchased of the Governme at prices which would have realized him a profit of at least $12,7 It appears that the marshal first seized the property under the directi of the United States district attorney, who shortly thereafter institut proceedings in district court, at the May term, 1866, for and on l half of the United States to have said property confiscated because had been used and employed in aiding and promoting the rebellic This libel was filed on the 20th July, 1866. The warrant of seizure w promptly issued; came to the marshal's hands on the 30th July, 18 and on the same day the marshal made affidavit that the property coı not be protected, &c., and asked for an immediate order of sale. Tl was approved by the district attorney, and the order was at once ma by the judge. It appears from the evidence that the marshal sold t property for about $30,000; but does not appear to have accounted the funds, except to the extent of the $5,858.80 deposited in the Fi National Bank of Selma. While the Government is not generally lial for the wrongful acts of its agents and officers, the present case is exceptional in its character as to make it simply an act of justice to turn to said Shepard his purchase money, less the amount already ceived. The Government sells him property to which it had the ab lute and unquestioned title and places him in possession of the san other agents of the Government, disregarding the title thus obtain deprive him of possession, sell the property over again under an *parte* order made without notice, and the funds thence arising are lost great measure while in the custody of the Government. Claimant entitled to this relief. We therefore report back the bill to the Sen with the recommendation that it do pass.

The purchaser of property from the Government has certainly, equity and good conscience, the right to expect that the Governm will not itself either defeat the title or disturb the possession which has vested in or conferred upon its vendee.

But aside from this view of the case, it may well be claimed t when the Government takes into its possession and custody prope under a claim of ownership or of right to subject the same to forfeitu which is not valid, there is an obligation resting upon it to prot and preserve the property or its proceeds against loss by its own age to the end that the same may be restored to the rightful owner.

The whole proceeding in the present case was a most remarkable c and it would be an act of great injustice not to protect the Governm vendee, or at least make him whole by returning him so much of purchase money as he has not already received. The bill proposes tc pay to him the entire amount of purchase money, $17,268.50. It appe that the claimant has already received the sum of $2,810.46, and y committee concur in the conclusion of the House report that this s should be deducted from the amount of purchase money paid, $ 268.50, which will leave the sum of $14,458.04 that should be retur to him. Your committee accordingly recommend that the bill amended by striking out, in lines 3 and 4 of the bill, the words "sev teen thousand two hundred and sixty-eight dollars and fifty cen and inserting in lieu thereof the words, "fourteen thousand four h dred and fifty-eight dollars and four cents," and as thus amend that the bill do pass.

VIEWS OF THE MINORITY.

The undersigned are unable to agree with the majority of the committee in the foregoing report. In our judgment the fact that the property out of which the claim arose was purchased by the claimant from the United States is wholly immaterial. The sale was valid and passed the title to the property, and it was sustained by the judgment of the court.

The proceeding for the confiscation of the property commenced by the United States district attorney on behalf of the United States, was commenced and prosecuted in pursuance of the general laws of the United States. The principle which would require compensation to be made to the complainant in this case, for his loss on account of said judicial proceedings, would require compensation to be made in every case to a party against whom an unsuccessful legal proceeding *in personam* or *in rem*, civil or criminal, has been or shall be commenced or prosecuted in the name of the United States under the direction of the Department of Justice, by any prosecuting officer of the Government in pursuance of the laws of the United States.

It would be a dangerous precedent, and one which the undersigned are not willing to establish, to hold the Government liable to make compensation for losses caused by the acts of the judges, United States attorneys, and ministerial officers of courts of justice. The committee have repeatedly held that the United States is not liable for the mistaken or wrongful acts of its agents.

J. N. DOLPH,
ANGUS CAMERON.

As at present advised, I concur in the report of the majority upon one of the grounds there stated. I have not had opportunity for full examination of the case, and reserve the liberty to reconsider my conclusion.

GEO. F. HOAR.

ONGRESS, } SENATE. { REPORT
Session. } { No. 1340.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 19, 1885.—Ordered to be printed.

WYER, from the Committee on Post-Offices and Post-Roads, submitted the following

REPORT:

[To accompany bill S. 2626.]

mmittee on Post-Offices and Post-Roads, to which was referred the S. 2626) for the relief of William E. Blunt, has considered the same, reports:

object of this bill is to reimburse the claimant for a portion of the ts of a safe opened and robbed by burglars on the night of Octo-, 1883. The safe and its contents were the property of the Gov-nt, and the latter consisted of postal funds, $260.03; postage s, $2,300; total, $2,560.03; and also certain books of postal notes, rly reports, duplicate certificates of deposit, official correspond-nd other papers of little intrinsic value. All but the postal funds stage stamps were subsequently found and returned to claimant. burglary occurred under circumstances which indicate no fault ligence on the part of the postmaster. It has been thoroughly gated by the Postmaster-General, as required by the act of March 2, covering generally this class of claims. The amount claimed, er, being more than $2,000, the Postmaster-General has, as pro-in said act, reported the facts to Congress with his recommenda-ereon. His report is printed herewith.

recommendation of the Postmaster-General is that the claimant l the amount of postage stamps stolen, viz, $2,300; but as postal do not come within the purview of the act of March 17, 1882, he no opinion in regard to that portion of the claim.

iew of the fact that the burglary and absence of negligence on rt of the postmaster are well established, the committee is in f granting relief. But the amount should be limited to the value postage stamps stolen. In the case of funds arising from the postage stamps or derived as general revenue of the office it has been the opinion of the commitee that such funds cannot be ied or checked as money order funds or stamps are, and there-ight not to be refunded by the Government when alleged to have ost or stolen. They also when received become, in a sense, the ty of the postmaster; for it is out of such funds he is allowed to his salary. This was recognized in the act of March 17, 1882, unds being purposely excluded from its provisions.

r committee therefore recommends the passage of the bill with llowing amendments, viz: strike out the words "two thousand undred and sixty dollars and three cents," in lines 6 and 7, and n lieu thereof "two thousand three hundred dollars."

o strike out the words "and postal funds," in lines 7 and 8.

[House Ex. Doc. No. 51, Forty-eighth Congress, first session.]

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 9, 1884.

SIR: I have the honor to transmit herewith, in accordance with the act of Congress approved March 17, 1882, the claim of William E. Blunt, postmaster at Haverhill, Mass., for reimbursement of losses resulting from burglary October 31, 1883.

The papers are accompanied by a brief of the case and the opinion of the Acting Assistant Attorney-General for this Department, with whom I concur.

Very respectfully,

W. Q. GRESHAM,
Postmaster-General.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

HAVERHILL, ESSEX COUNTY, MASSACHUSETTS.

William E. Blunt, postmaster, asks credit for loss resulting from the burglary of the post-office, on the night of October 31, 1883, as follows, viz:

For postal funds	$260 03
For postage stamps	2,300 00
Total	2,560 03

EVIDENCE.

1. The claimant files a petition for a credit of $2,560.03, in which the facts and circumstances of the loss are stated, under oath, as follows, viz: That between the hour of 10 p. m. October 31, and 6 a. m. November 1, 1883, the post-office at Haverhill Mass., at which affiant was postmaster, was entered by burglars; the office safe was broken open and robbed of its contents, which included the items above mentioned, and for which credit is claimed; that in addition to said items the burglars also carried away the following articles, which were subsequently found in a freight car, on the track of the Boston and Maine Railroad, and were returned to affiant, viz: Three books of postal notes, copies of affiant's quarterly reports, duplicate certificates of deposit, official correspondence, and other papers of little intrinsic value; that the money-order funds and all stamps on hand at the time of the burglary, except those which were stolen, were in another safe, and were not disturbed; that affiant has two safes, one of which is a large one furnished by the Post-Office Department, which was the one broken open, and the other is a smaller one, furnished by affiant; that in the former were the unbroken packages of stamps, books, postal funds, and records; in the latter the broken packages and money-order funds; that the smaller safe was partly concealed by a counter under which it stands, to which fact affiant attributes the failure of the burglars to molest it.

Affiant further states that immediately upon the discovery of the burglary, he telegraphed the facts to the chief post-office inspector, and also notified the nearest post-office inspector, viz, Mr. Charles Field, who visited the office and made investigation, and that he also notified the local police, who traced the burglars some 16 miles to a point where they took the night express on the Eastern Railroad; that the persons who committed said burglary are not known to affiant; and that the stamps and postal funds stolen as aforesaid have not been recovered by affiant.

Affiant also states that the value of the stamps, stamped envelopes, postal cards and newspaper wrappers "on hand" (*i. e.*, in affiant's possession) the morning after the burglary was $2,343.19.

2. George J. Dean, city marshal of Haverhill, Mass., states, under oath, that on the morning of November 1, 1883, he was informed of the robbery of the post-office; that he immediately visited the office and found that the large office safe had been broken open during the previous night by drilling a hole through the safe door, between the handle of the same and the combination lock; that a "thread" had been cut in said hole and an instrument introduced therein, apparently operated by a powerful brace which broke the lock and forced it inside; that affiant at once detailed officers to search for the burglars, and they were traced to Know-Nothing Station, some 16 miles distant, where it was learned that they had boarded the Bangor night express for Boston; that every fact connected with the burglary that has come to affiant's knowledge clearly indicates the work to have been done by expert professional safe-bur

glars: that he has known the postmaster, William E. Blunt, for upwards of thirty years; that his reputation for truth in the community where he has always lived is unquestioned; and that in affiant's opinion the burglary and loss sustained was in no part due to any fault or negligence of his.

3. The Third Assistant Postmaster-General states that the total value of postage stamps (including "postage due," newspaper, and periodical stamps), postal cards, stamped envelopes, and newspaper wrappers, estimated to be in the claimant's possession at the close of business October 31, 1883, is $5,114.94, and that the value of such articles actually in claimant's possession at the date mentioned, as shown by his monthly statement (Form 3240), was $4,388.69, of which $2,595.09 were in stamps of the denomination of one and two cents.

4. In reply to an inquiry from this office, dated December 12, 1883, relative to the method by which the value of the stolen stamps was determined, the claimant makes oath that on the night of October 31, 1883, he took "account of stock," and verified his books for the purpose of making his monthly statement on "Form 3240," and to find the balance due the Department; that he counted the stamps and postal funds on hand at the time, and knew the number and the value of the same, and they were locked in the safe that night when he left the office; that on going to the office on the following morning (November 1, 1883), at about 6 o'clock, he found the safe broken open, and the stamps and postal funds which had been placed therein the night before were gone; but the books and the statement referred to were found as he had left them; that he took another inventory on the morning of November 1, and thus ascertained the exact value of the property stolen; that he keeps a daily record of the number of stamps, stamped envelopes, and postal cards, of each denomination sold and on hand, and is thus able to show, any day in the year, the lo s and the value of a single stamp, stamped envelope, or postal card, as he practically takes "account of stock" every night, and verifies the same with his books.

5. It appearing from the claimant's first statement (marked 1) that the stolen stamps were all of the denomination of one and two cents, the claimant was requested, January 2, 1884, to state the value of stamps of those denominations remaining in his possession on the morning following the burglary. In reply to this request, he states, under oath, that on the morning after the burglary, viz, November 1, 1883, there were in his possession 2,285 one-cent stamps and 13,612 two-cent stamps, of the total value of $295.09, and that the total value of one and two cent stamps in his possession on the previous night at the close of business was $2,595.09, which amount corresponds with the "monthly statement" above referred to.

To the last affidavit is appended the affidavit of Calvin Butrick and Frank H. Colby, who state that they are clerks in the post-office at Haverhill, Mass.; that they assisted the postmaster in making the inventories of stamps on hand at the close of business, October 31, 1883, and also on the morning of November 1, following the burglary; that they have examined the foregoing statement of the claimant, and know from personal knowledge that the number and value of one and two cent stamps therein given as on hand at the dates and times referred to are true.

6. Charles Field, post-office inspector, states, in a report dated November 5, 1883, that the post-office was forcibly entered on the night of October 31, 1883, and that the property described in the claimant's affidavit was carried off; that all of this property was in a safe owned and furnished by the Department; that the burglars took a ladder from an adjoining building and placed it against a second story window in the rear of the office, through which entrance was made; that the safe contained a steel burglar-proof chest, in which the stolen stamps and money were placed; this chest was found to have been opened without violence; and the inspector infers either that it was left unlocked, or that it was unlocked by the burglars by using the "combination" of the lock, a memorandum of which was left upon a card within the safe. The inspector further states that prior to its delivery to the post-office the safe in question had been loaned to a bank in Haverhill, and that the combination of the inside chest had not been subsequently changed. It was therefore known to the cashier of said bank as well as to the postmaster and his assistant.

The remainder of Inspector Field's report is devoted to the subsequent movements of the burglars, and efforts for their apprehension.

OPINION.

On reviewing the foregoing evidence, I am of the opinion that the claimant has satisfactorily proved the loss, by burglary, of postage stamps of the value of $2,200.

The safe from which said stamps were stolen was of new and approved construction, and was furnished by the Post-Office Department. It was opened by force, and in such a manner as to indicate that it was done by expert professional burglars.

The only intimation that there was any fault or negligence on the part of the claimant is contained in Inspector Field's statement that the so-called "burglar-proof" chest within the safe was opened without violence, the inference being that said chest was left unlocked by the *postmaster*, or that the burglars found in the

safe a card upon which was a memorandum of the "combination" on which it was locked.

Neither of these suppositions, however, indicates to me that the loss was in consequence of fault or negligence on the part of the claimant. It appears probable that a party of expert burglars, who were prepared to force open, and did force open, the strong outer doors of the safe, would have found but little difficulty in breaking open or carrying away bodily the inner chest. I am, therefore, of the opinion that the claimant is entitled to relief from loss on account of the postage stamps stolen as aforesaid.

In addition to the stamps, the claimant avers that there were stolen postal funds to the amount of $260.03, but as losses of that character are not within the purview of the act of March 17, 1882, I do not feel called upon to express an opinion relative to that portion of the claim.

JOHN A. HENRY,
Acting Assistant Attorney-General.

Hon. W. Q. GRESHAM,
Postmaster-General.

Petition of William E. Blunt, postmaster.

To the Hon. W. Q. Gresham, Postmaster-General, Washington, D. C.:

Respectfully represents William E. Blunt, postmaster at Haverhill, Essex County, State of Massachusetts, that between the hours of 10 o'clock in the evening, of October 31, at which time I left the office and the safes securely locked, and 6 o'clock on the following morning, November 1, 1883, the post-office in this city was entered by burglars, and the office safe broken open and robbed of its contents, consisting of the following, viz:

Postal funds to the value of	$260 03
Thirty thousand one-cent stamps, value of	300 00
One hundred thousand two-cent stamps, value of	2,000 00
Total value of postal funds and stamps stolen	2,560 03

The burglars also took from said safe and carried away the following, which, with the exception of a small amount of money belonging to the postmaster, was subsequently found in a freight car on the tracks of the Boston and Maine Railroad, in the town of Bradford, Mass., and returned to the office, most of it in good condition:

Three books postal notes; the office copies of my quarterly reports; duplicate certificates of deposits, official correspondence, and other papers of little intrinsic value. The money-order funds and all stamps on hand at the time of the robbery, except those mentioned above and stolen, were in another safe and not disturbed. I have two safes, one large one, furnished by the Post-Office Department, which was the one robbed, and a smaller one, furnished by myself. In the large safe were the unbroken packages of stamps, books, postal funds, and records. In the other, the broken packages and money-order funds are kept. This was partly concealed by the bench or counter under which it stands, and it may be to this fact that the safety of its contents on the night of the robbery is due.

I immediately upon the discovery of the burglary telegraphed the facts to the Chief Post-Office Inspector, at Washington, and also notified the nearest resident inspector, Charles Field, who visited the office and made investigation. The local police were also notified, and they traced the burglars some 16 miles, where they took the night express on the Eastern Railroad. No arrests for the robbery have been made, nor are the names of the persons committing the same known to me. The value of the stamps, stamped envelopes, postal cards, and newspaper wrappers on hand the morning after the burglary was $2,343.19. The postal funds and stamps stolen have not been recovered, nor any part thereof, and as *they were stolen without any fault or negligence on my part*, I respectfully ask that the proper officers of your Department be directed to credit to my account as postmaster the sum of $2,560.03.

No application has before been made for payment, reimbursement, or credit for this loss, nor has any credit or compensation in whole or in part been received for the same.

WILLIAM E. BLUNT.
Postmaster.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

Personally appeared the above-named William E. Blunt, postmaster at Haverhill, Massachusetts, and made oath that the foregoing statement by him subscribed is true, before me this 10th day of December, A. D. 1883.

[SEAL.] EDWARD B. GEORGE,
Clerk of the Police Court of Haverhill, Mass.

Affidavit of George J. Dean, city marshal.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

I, George J. Dean, city marshal of Haverhill, Mass., on oath depose and say that on the morning of November 1, 1883, I was informed of the robbery at the post-office in this city, and immediately visited the office and found the large office safe had been broken open during the previous night by some person or persons to me unknown, by drilling a hole through the safe-door between the handle of the same and the combination lock. A thread had been cut in this hole and an instrument introduced therein, apparently operated by a powerful brace, which broke the lock and forced it inside the safe. That I at once detailed officers to search for the burglars, and that persons believed to be those who committed the robbery were traced to the "Know-Nothing Station," where the tracks of the Boston and Maine and Eastern Railroad cross each other, some 16 miles distant. Here it was learned that they boarded the Bangor night express about 5 o'clock that morning for Boston; that we have endeavored by all means at our command to find the burglars, but have thus far failed. Every fact connected with the robbery that has come to my knowledge clearly indicates the work to have been performed by expert professional safe burglars. That I have known the postmaster, William E. Blunt, for upwards of thirty years; that his standing and general reputation for truth in this community, where he has always lived, is unquestioned, and that his statements are entitled to full credence; and that in my opinion the burglary and loss sustained was in no part due to any fault or negligence of his.

GEORGE J. DEAN,
City Marshal of Haverhill.

Personally appeared the above-named George J. Dean, city marshal of Haverhill, and made oath that the above statement by him subscribed is true, before me this 10th day of December, A. D. 1883; and I do further certify that said George J. Dean and William E. Blunt are both well known to me, and I certify that they are reputable and worthy of credit and of good standing in the community in which they reside.

Witness my hand and seal of said police court of Haverhill.

[SEAL.] EDWARD B. GEORGE,
Clerk of Police Court of Haverhill.

POST-OFFICE AT HAVERHILL, MASS.

William E. Blunt, postmaster, claims credit for loss sustained in the burglary of his post-office on the night of October 31, 1883.

Amount claimed, $2,300.00.

Amount saved, $2,343.19.

Reported amount of stamps, &c., on hand September 30, 1883, as per returns to the Auditor	$2,268 42	
Sent on subsequent orders, prior to 31st October, 1883 (charges for stamped envelopes, &c., up to and including October 12, 1883)	4,802 00	
Total	7,070 42	
Deduct estimated sales for thirty-one days (the average daily sales being $63.08)	1,955 48	
Leaving the probable amount on hand at close of business on the 31st October, 1883	5,114 94	
Amount saved	2,343 19	
		$2,771 75

Memoranda: Sales second quarter, 1883, $6,085.04; sales third quarter, 1883, $5,460.32.

REMARKS.—Reported amount on hand October 31, 1883, as per statement on Form 3240, $4,388.69, of which $2,595.09 is shown to be in 1-cent and 2-cent stamps.

A. D. HAZEN,
Third Assistant Postmaster-General.

OFFICE OF ASSISTANT ATTORNEY-GENERAL
FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., December 12, 1883.

Respectfully referred to the Third Assistant Postmaster-General, and his attention called to the inclosed statement of the claim of the postmaster at Haverhill, county of Essex, State of Massachusetts.

Please return this with such information as you may have in your office bearing upon the claim; particularly as to the amount of postage stamps, stamped envelopes, newspaper wrappers, and postal cards in the hands of the postmaster at the time of the alleged loss.

A. A. FREEMAN,
Assistant Attorney-General, Post-Office Department.

POST-OFFICE, HAVERHILL, ESSEX COUNTY, MASSACHUSETTS,
December 14, 1883.

SIR: In reply to yours of the 12th instant, requesting me "to state under oath how the exact value of stolen stamps was ascertained," I submit the following:

On the night of October 31, 1883, it being the end of the month, I took "account of stock," and verified my books for the purpose of making my monthly statement or report, as required on "Form No. 3240," and also to find the balance due the Post-Office Department for the month ending at said time; that I made said statement and counted the stamps and postal funds on hand at that time, and know the number and value of the same; that they were locked up in the safe that night when I left the office. On the following morning, November 1, at about 6 o'clock, I learned of the robbery, and on going to the office found the safe broken open and the stamps and postal-funds that I had placed therein the night before gone—stolen. My books and the statement above-mentioned, both showing the condition of the office, were found all right, as I had left them. I took another inventory on the morning after the robbery, and thus ascertained the exact value of the property stolen. My method of keeping my books would enable me to show any day in the year the loss and value of a single stamp, postal-card, or stamped envelope, as I practically "take account of stock" every night and verify the same with my books, keeping a daily record of the number of stamps, stamped envelopes, and postal-cards of each denomination on hand and sold.

WILLIAM E. BLUNT,
Postmaster.

ASSISTANT ATTORNEY-GENERAL, POST-OFFICE DEPARTMENT,
Washington, D. C.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

Personally appeared the above-named, William E. Blunt, and made oath that the foregoing statement by him subscribed is true before me, this sixteenth day of December, A. D. 1883.

[SEAL.] EDWARD B. GEORGE,
Clerk of the Police Court of Haverhill.

COMMONWEALTH OF MASSACHUSETTS,
Essex, ss:

I, William E. Blunt, postmaster at Haverhill, Mass., on oath depose and say, that on November 1, 1883, the morning following the burglary at this office, I had on hand 2,285 one-cent stamps, valued at $22.85, and 13,612 two-cent stamps, valued at $272.24; total value of one and two cent stamps on hand at the taking of the inventory on the morning of November 1, 1883, $295.09; that at the close of business on the evening previous to November 1, I had on hand of one and two cent stamps as follows, viz: 32,285 one-cent stamps, valued at $322.85, and 113,612 two-cent stamps, valued at $2,272.24. Total value of one and two cent stamps on hand at the close of business October 31, 1883, $2,595.09.

WILLIAM E. BLUNT.

Subscribed and sworn to before this 4th day of January A. D., 1884.

[SEAL.] CHARLES H. POOR,
Assistant Clerk Police Court of Haverhill, Mass.

We, the undersigned, Calvin Butrick and Frank H. Colby, clerks in the post-office at Haverhill, Mass., on oath depose and say, that we assisted the postmaster, William E. Blunt, in making his inventory of stamps on hand at the close of business on the evening of October 31, 1883, and also the inventory made on the morning of November 1, the morning following the burglary; that we have examined the foregoing state-

ment of the said William E. Blunt, and know, from personal knowledge, that the number and value of the one and two cent stamps therein given as on hand at the dates and times referred to is true.

CALVIN BUTRICK.
FRANK H. COLBY.

Personally appeared the above-named Calvin Butrick and Frank H. Colby, and made oath that the foregoing statement by them subscribed is true before me this 4th day of January, A. D. 1884.

[SEAL.]

CHARLES H. POOR,
Assistant Clerk Police Court of Haverhill.

OFFICE POST-OFFICE INSPECTOR,
Boston, November 5, 1883.

SIR: In reply to your telegram, I have to inform you that the post-office at Haverhill, Mass., was forcibly entered on the night of October 31, 1883, and Government property carried off to the amount of $2,560.03. All of this property was in a Damon safe, owned and furnished by the Department. The contents of the safe was all carried off and was as follows:

Postal funds	$260 03
100,000 two-cent stamps	2,000 00
30,000 one-cent stamps	300 00
Total loss	2,560 03

There was also three postal-note books taken, numbered from 501 to 2000, and some papers belonging to the postmaster. The books and papers, &c., were afterwards found in a freight car belonging to the Boston and Maine Railroad, and have been returned to the office intact. There was another safe in the office that contained the balance of the property belonging to the Government. This was not molested, neither was the money drawers in the office disturbed. The investigation shows that the burglars took a ladder from an adjoining building and placed it against a second story window in the rear of the office, and entered by that way.

The safe contained a steel burglar-proof chest of the newest pattern, now supplied by the Department, and also had a combination lock, and inside of the chest was all of the money and stamps that was stolen. The chest must have been either opened on the combination, or the door was not locked at night when the office was closed. This safe was loaned to one of the banks at Haverhill previous to its delivery to the post-office, and I find that the combination of the lock of the inside chest had not been changed since it came into the possession of the postmaster; that the bank cashier, postmaster, and his assistant knew the combination, and that there was also in the safe a card with the combination written on it. It is presumed that the burglars either took advantage of this knowledge or else they found the door unlocked. The door of the chest has no appearance of having been tampered with, and from this I am led to believe that it was opened by the use of the card or else the door was not locked. It appears that after the robbery the burglars must have crossed the river by the aid of a boat, and after getting on the other side they entered a freight car and examined their plunder. The stamps and money they carried off, but the postal-note books, &c., were left in the car and have since been returned to the postmaster. After this the burglars stole a horse and wagon from a farmer's barn near by, and then drove to Newburyport, 13 miles distant, where they left the team, and then it is supposed they took the early morning train for Boston. No one appears to have noticed any strangers in the town the day before the robbery, and up to this time no reliable trace has been found as to who the burglars were.

The case is in hands of the local police, and they are using every means to find a clue to the depredators. I shall leave again this p. m. for Haverhill, and am in hopes to obtain some clue that we shall be able to follow.

Very respectfully,

CHARLES FIELD,
Inspector.

A. G. SHARP,
Chief Post-Office Inspector, Washington, D. C.

OFFICE POST-OFFICE INSPECTOR,
Boston, November 5, 1883.

SIR: I have the honor to inform you since writing my report on the Haverhill robbery there has come to my knowledge some information as to who the parties are that robbed the Haverhill office. The day of the robbery there were three men called at a hardware store in Exeter, N. H., and purchased a bottle of oil. This bottle was left in the post-office by the burglars and has since been identified by the man who sold it. He gives a full description of the men, and it corresponds with that of the persons who are supposed to have robbed the Concord, N. H., and Gloucester, Mass., offices. To follow this case up as it should be, it will possibly be necessary to have the aid of outside parties, and by doing this, expense will be increased. What I wish to know is, whether or no the Department will allow me any money for this purpose and to what amount.

Very respectfully,

CHARLES FIELD,
Inspector.

A. G. SHARP,
Chief Post-Office Inspector, Washington, D. C.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1341.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 19, 1885.—Ordered to be printed.

Mr. PLUMB, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany bill H. R. 8138.]

Post-Office appropriations, 1886.

Amount of estimates for 1886	$56,099,169 50
Amount of House bill	53,519,990 00
Net increase made to House bill by Senate committee	300,000 00
Amount as reported to the Senate	53,819,990 00
Amount of appropriations for 1885	49,090,400 00
Amount of estimated revenues for 1886	51,272,820 24

The bill as reported is less than the estimates, $3,279,179.50.

The bill as reported exceeds the appropriations for 1885, $4,729,550.

The bill as reported exceeds the estimated revenues for 1886, $2,547,-169.76.

The changes in amounts of House bill made by the committee are as follows:

INCREASE.

For safes and other office furniture	$10,000
For transportation on railroad routes	490,000
Total increase	500,000

REDUCTION.

For compensation to clerks in post-offices	150,000
For compensation of letter-carriers and expenses of the free-delivery system	50,000
Total reduction	200,000
Net increase made to House bill	300,000

The following table shows the appropriations for 1885, the estimates for 1886, the amounts provided by the House bill, and the amounts recommended by the Senate committee:

POST-OFFICE DEPARTMENT.

Comparative statement showing the appropriations for 1885, the estimates for 1886, the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations for 1886.

Object.	Appropriations, 1885.	Estimates, 1886.	House bill, 1886.	Senate committee, 1886.
Office of the Postmaster-General.				
Mail depredations and post-office inspectors	$200,000	$250,000 00	$200,000	$200,000
Advertising	20,000	20,000 00	20,000	20,100
Miscellaneous items	1,500	1,500 00	1,500	1,500
Total office Postmaster-General	221,500	271,500 00	221,500	221,500
Office of First Assistant Postmaster-General.				
Compensation to postmasters	11,000,000	13,000,000 00	12,300,000	12,300,000
Compensation to clerks in post-offices	4,900,000	5,300,000 00	5,300,000	5,150,000
Compensation to letter-carriers and expenses	4,050,000	4,535,000 00	4,535,000	4,485,000
Wrapping-paper	30,000	35,000 00	35,000	35,000
Wrapping-twine	70,000	95,000 00	85,000	85,000
Post-marking, canceling, and rating stamps	25,000	25,000 00	20,900	20,000
Letter-balances, test-weights, and scales	25,000	20,000 00	20,000	20,000
Rent, light, and fuel	480,000	500,000 00	490,000	490,000
Safes and other office furniture	40,000	40,000 00	20,000	30,000
Stationery	65,000	65,000 00	65,000	65,000
Miscellaneous and incidental expenses of post-offices	80,000	80,000 00	80,000	80,000
Total office First Assistant Postmaster-General	20,765,000	23,695,000 00	22,950,000	22,760,000
Office of Second Assistant Postmaster-General.				
Transportation on railroad routes	12,750,000	15,684,205 00	14,010,000	14,500,000
Railway post-office car service	1,625,000	1,875,000 00	1,765,026	1,765,026
Necessary special facilities on trunk lines	250,000	266,764 50	266,764	266,764
Transportation by steamboat routes	625,000	615,000 00	615,000	615,000
Transportation by star routes	5,600,000	5,900,000 00	5,900,000	5,900,000
Railway post-office clerks	4,300,000	4,682,300 00	4,682,300	4,682,300
Mail messengers	975,000	975,000 00	975,000	975,000
Mail locks and keys	25,000	20,000 00	20,000	20,000
Mail bags and mail-bag catchers	250,000	275,000 00	275,000	175,000
Miscellaneous items	1,000	1,000 00	1,000	1,000
Total office Second Assistant Postmaster-General	26,401,000	30,294,269 50	28,510,090	29,000,090
Office of Third Assistant Postmaster-General.				
Manufacture of postage-stamps	146,000	174,000 00	174,000	174,000
Expenses of stamp agency	8,100	8,100 00	8,100	8,100
Manufacture of stamped envelopes and wrappers	644,000	749,000 00	749,000	749,000
Expenses of stamped-envelope agency	16,000	16,000 00	16,000	16,000
Manufacture of postal-cards	232,000	239,000 00	239,000	239,000
Expenses of postal-card agency	7,300	7,300 00	7,300	7,300
Envelopes, locks, and seals	140,000	140,000 00	140,000	140,000
Ship, steamboat, and way letters	1,500	2,000 00	2,000	2,000
Engraving, &c., drafts, and warrants	2,500	2,000 00	2,000	2,000
Miscellaneous items	1,000	1,000 00	1,000	1,000
Total office Third Assistant Postmaster-General	1,198,400	1,338,400 00	1,338,400	1,338,400
Office of Superintendent of Foreign Mails.				
Transportation of foreign mails	425,000	425,000 00	425,000	425,000
Balance due foreign countries	75,000	75,000 00	75,000	75,000
Total office Superintendent of Foreign Mails	500,000	500,000 00	500,000	500,000
To pay expenses of delegates to the Universal Postal Union Congress	4,500	.....	.....	.....
Total Post-Office Department	49,090,400	56,099,169 50	53,519,990	53,819,990

Comparative statement showing the appropriations for 1885—Continued.

RECAPITULATION.

Object.	Appropriations, 1885.	Estimates, 1886.	House bill, 1886.	Senate committee.
Office Postmaster-General	$221,500	$271,500 00	$221,500	$221,500
Office First Assistant Postmaster-General	20,765,000	23,695,000 00	22,950,000	22,760,000
Office Second Assistant Postmaster-General	26,401,000	30,294,269 50	28,510,090	29,000,090
Office Third Assistant Postmaster-General	1,198,400	1,338,400 00	1,338,400	1,338,400
Office Superintendent of Foreign Mails	500,000	500,000 00	500,000	500,000
Expenses of delegates to Universal Postal Union Congress	4,500	.....	.....	.....
Total Post-Office Department	49,090,400	56,099,169 50	53,519,990	53,819,990

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POST-OFFICE DEPARTMENT.

Comparative statement showing the appropriations for 1885, *the estimates for* 1886, *the amounts of House bill, and the amounts recommended by the Senate Committee on Appropriations for* 1886.

Object.	Appropriations, 1885.	Estimates, 1886.	House bill, 1886.	Senate committee, 1886.
Office of the Postmaster-General.				
Mail depredations and post-office inspectors	$200,000	$250,000 00	$200,000	$200,000
Advertising	20,000	20,000 00	20,000	20,100
Miscellaneous items	1,500	1,500 00	1,500	1,500
Total office Postmaster-General	221,500	271,500 00	221,500	221,500
Office of First Assistant Postmaster-General.				
Compensation to postmasters	11,000,000	13,000,000 00	12,300,000	12,300,000
Compensation to clerks in post-offices	4,900,000	5,300,000 00	5,300,000	5,150,000
Compensation to letter-carriers and expenses	4,050,000	4,535,000 00	4,535,000	4,485,000
Wrapping-paper	30,000	35,000 00	35,000	35,000
Wrapping-twine	70,000	95,000 00	85,000	85,000
Post-marking, canceling, and rating stamps	25,000	25,000 00	20,900	20,000
Letter-balances, test-weights, and scales	25,000	20,000 00	20,000	20,000
Rent, light, and fuel	480,000	500,000 00	490,000	490,000
Safes and other office furniture	40,000	40,000 00	20,000	30,000
Stationery	65,000	65,000 00	65,000	65,000
Miscellaneous and incidental expenses of post-offices	80,000	80,000 00	80,000	80,000
Total office First Assistant Postmaster-General	20,765,000	23,695,000 00	22,950,000	22,760,000
Office of Second Assistant Postmaster-General.				
Transportation on railroad routes	12,750,000	15,684,205 00	14,010,000	14,500,000
Railway post-office car service	1,625,000	1,875,000 00	1,765,026	1,765,026
Necessary special facilities on trunk lines	250,000	266,764 50	266,764	266,764
Transportation by steamboat routes	625,000	615,000 00	615,000	615,000
Transportation by star routes	5,600,000	5,900,000 00	5,900,000	5,900,000
Railway post-office clerks	4,300,000	4,682,300 00	4,682,300	4,682,300
Mail messengers	975,000	975,000 00	975,000	975,000
Mail locks and keys	25,000	20,000 00	20,000	20,000
Mail bags and mail-bag catchers	250,000	275,000 00	275,000	175,000
Miscellaneous items	1,000	1,000 00	1,000	1,000
Total office Second Assistant Postmaster-General	26,401,000	30,294,269 50	28,510,090	29,000,090
Office of Third Assistant Postmaster-General.				
Manufacture of postage-stamps	146,000	174,000 00	174,000	174,000
Expenses of stamp agency	8,100	8,100 00	8,100	8,100
Manufacture of stamped envelopes and wrappers	644,000	749,000 00	749,000	749,000
Expenses of stamped-envelope agency	16,000	16,000 00	16,000	16,000
Manufacture of postal-cards	232,000	239,000 00	239,000	239,000
Expenses of postal-card agency	7,300	7,300 00	7,300	7,300
Envelopes, locks, and seals	140,000	140,000 00	140,000	140,000
Ship, steamboat, and way letters	1,500	2,000 00	2,000	2,000
Engraving, &c., drafts, and warrants	2,500	2,000 00	2,000	2,000
Miscellaneous items	1,000	1,000 00	1,000	1,000
Total office Third Assistant Postmaster-General	1,198,400	1,338,400 00	1,338,400	1,338,400
Office of Superintendent of Foreign Mails.				
Transportation of foreign mails	425,000	425,000 00	425,000	425,000
Balance due foreign countries	75,000	75,000 00	75,000	75,000
Total office Superintendent of Foreign Mails	500,000	500,000 00	500,000	500,000
To pay expenses of delegates to the Universal Postal Union Congress	4,500	.....	.....	.....
Total Post-Office Department	49,090,400	56,099,169 50	53,519,990	53,819,990

Comparative statement showing the appropriations for 1885—Continued.

RECAPITULATION.

Object.	Appropriations, 1885.	Estimates, 1886.	House bill, 1886.	Senate committee.
Office Postmaster-General	$221,500	$271,500 00	$221,500	$221,500
Office First Assistant Postmaster-General	20,765,000	23,695,000 00	22,950,000	22,760,000
Office Second Assistant Postmaster-General	26,401,000	30,294,269 50	28,510,090	29,000,090
Office Third Assistant Postmaster-General	1,198,400	1,338,400 00	1,338,400	1,338,400
Office Superintendent of Foreign Mails	500,000	500,000 00	500,000	500,000
Expenses of delegates to Universal Postal Union Congress	4,500	.....	.....	.....
Total Post-Office Department	49,090,400	56,099,169 50	53,519,990	53,819,990

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48TH CONGRESS. 2d Session. | SENATE. | REPORT No. 1342.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 19, 1885.—Ordered to be printed.

Mr. PIKE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 6270.]

The Committee on Claims, to whom was referred the bill (H. R. 6270) for the relief of John P. Peterson, having considered the same, beg leave to present the following report:

That the committee find that the said Peterson, on the 30th day of May, 1866, was duly appointed as private on the United States Capitol police, at an annual salary of $1,584, and that he served as such from that day until April 1, 1877; that Congress passed an act approved July 28, 1866 (section 18, 14 Stat. at Large, p. 323), and joint resolution February 28, 1867 (14 Stat. at Large, p. 569), giving an additional compensation of 20 per cent. on the amount of their salaries, to commence July 1, 1866, to certain employés of the civil service of the Government at Washington, of which the said John P. Peterson was one; that under said law the said claimant is entitled to the sum of $237.60, and that the same has never been paid to him.

Your committee are informed by the First Comptroller of the Treasury that the Capitol police have been paid under the provisions of said law, as appears by the following communication:

FEBRUARY 16, 1885.

[From Treasury Department to Hon. Austin F. Pike, Senate.]

The Capitol police were paid 20 per cent. additional compensation under the act of July 28, 1866. (14 Stat., sec. 18.) They were not paid under the joint resolution of February 28, 1867, as both acts covered the same period of time, viz, the fiscal year ending June 30, 1867.

WILLIAM LAWRENCE.

The committee further report that the right of the members of said Capitol police to said compensation under said law was at first questioned; that for the purpose of determining the same suits were instituted in the Court of Claims; that said Peterson, among other claimants, put his claim in the hands of an attorney, who brought such suits; that by some mistake of said attorney his claim was not filed; that said Peterson had no knowledge of the fact until the time had expired in which suits could be commenced and until after the appropriations had been covered into the Treasury; and that said suits were finally decided by the Supreme Court of the United States in favor of the claimants.

The committee are of the opinion that said Peterson is justly entitled to the sum of $237.60, and therefore report back said bill and recommend the passage of the same.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1343.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6663.]

The Committee on Pensions, to whom was referred the bill (H. R. 6663) granting restoration of pension to Caroline Lewis, have examined the same, and report, recommending passage of bill restoring her to pension-roll.

[House Report No. 1810, Forty-eighth Congress, first session.]

Caroline Lewis is beyond doubt the widow of John Lewis, late of United States colored troops, who was killed near Louisville, Ky., about November 6, 1864, in the line of duty. As his widow she was placed on the pension-roll from July 25, 1866, until October 31, 1877, when she was dropped, on the ground that she was not the widow of the soldier.

The ground of this action was the report of a man named Fields, whose statement was certainly false and probably malicious. The woman is the widow of John Lewis. She proves this fully by B. L. Brooks, the preacher who married her to Lewis, whose affidavit, dated December 22, 1879, is full and circumstantial, and is filed with the papers. She never ought to have been stricken from the rolls, and ought to be restored now. We recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1344.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7094.]

The Committee on Pensions, to whom was referred the bill (H. R. 7094) granting a pension to Samuel M. Bartlett, have examined the same, and report, recommending its passage.

The House report states the facts as follows:

Samuel M. Bartlett enlisted in Company K, Thirty-fourth Illinois Regiment, December 2, 1861, and was discharged December 20, 1862, for disability. He filed an application for pension June 28, 1880, basing his claim on injuries received in line of duty while on detached service guarding baggage trains, by jumping hastily from wagon, the train at the time being suddenly attacked by guerrillas; in jumping he struck on his right foot and ankle, turning same under and crushing and disabling it. He also claims to have ruptured himself at the same time, which rupture has since developed into an aggravated hernia. His claim was rejected by the Pension Department, the reason being "claimant discharged for old fracture of right ankle."

The evidence in the claim is strong and conclusive that prior to enlistment he was a sound, healthy, able-bodied man, with no apparent disabilities.

Elijah Hubbard testifies:

"Knew claimant years before he enlisted; he was sound, wholly free from lameness of right ankle and foot, and affiant believes claimant had no hernia; was well known for his prowess in athletic sports and at hard labor; lived near him much of his life; never knew of his being ill before his enlistment."

T. E. Stockwell testifies:

"Knows claimant was sound at and before enlistment, doing hard labor, with no lameness of right ankle and foot, and to best of belief was free from hernia; knew claimant a number of years before enlistment."

John Thompson, comrade, testifies:

"I knew claimant about a year before enlistment; lived near him; saw him almost daily; enlisted with him the same day, and believe he was sound and free from hernia, lameness of right foot and ankle, and varicose veins."

D. C. Wagner, captain of claimant's company, says:

"Claimant was sound, with no lameness of right foot and ankle or hernia, prior to being detailed during the fall of 1862 for guard duty over the mountains between Tennessee and Kentucky; had previously been able to perform any duty assigned him; never saw claimant after he went on said duty."

John Thompson, comrade, says:

"He was in hospital at Louisville, Ky., when claimant was brought in with injuries of right foot and ankle, and great soreness and pain in pit of stomach. After discharge saw claimant at his home in Portland, Ill.; he was quite lame from injury to foot and ankle, and his stomach trouble had developed into an aggravated hernia."

Benjamin Woodward, surgeon Twenty-second Illinois Volunteers, in charge of Park Barracks in November and December, 1862, testifies that there was a man who was injured as claimant alleges to have been, but cannot swear to his identity.

C. L. Fisk, examining surgeon, Franklin, Mass., certifies:

"Applicant received an injury to right ankle-joint by jumping from a train wagon, which has resulted in permanent lameness, attended with fearful swelling and varicose veins of the leg. *He also has a hernia midway of the lower portion of the ster-*

num and the umbilicus as large as a small orange, or about 3 inches in diameter. I rate one-half on ankle and results and one half on hernia and results."

S. K. Field, R. A. Dudley, E. O. Dickenson, selectmen of Leverett, Mass., certify that claimant is old, in poor health, totally disabled for manual labor, and a charge upon the town, being in its poor-house.

In view of all the facts, your committee think a case is made and well established by all the evidence; they therefore recommend the passage of the accompanying bill, with the following amendments: Substituting "Samuel" in the title and also in the sixth line for the word "Lemuel."

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1345.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7672.]

The Committee on Pensions, to whom was referred the bill (H. R. 7672) granting a pension to Elbert Hewitt, have examined the same, and report recommending its passage.

The House report states the facts:

[House report No. 2341, Forty-eighth Congress, second session.]

Elbert Hewitt, late a private in Company C, Sixth Regiment Vermont Volunteers, now pensioned at $24 per month, wants an increase to $50 per month. He was disabled by a gunshot wound in the face, received in battle September 19, 1864. Dr. James E. Morse, pension surgeon, gives the following description of the injury:

"Lower jaw fractured in three points; upper front teeth carried away and most of all the lower ones gone; nose greatly injured and great deformity of the face; mastication greatly impaired, and he is suffering with dyspepsia in consequence. Has discharges from his nose and throat of a bloody purulent matter, which is very offensive to himself and those around him."

The pensioner is also very much debilitated, and able to perform but little labor. Dr. Davis, examining surgeon, in 1873, reports the loss of twelve teeth, chronic ulcer of the malar bone, and bad disfigurement of the face, in addition to his other ailments. The examining board at White River Junction, October 27, 1884, also report, additional to the above, that it is impossible for his teeth to meet by reason of the narrowing of the lower jaw. The pensioner is poor, and able to perform but very little labor.

Your committee think his case a deserving one, and recommend the passage of the bill (H. R. 7672) granting him an increase, amending the same by striking out the word "fifty" and inserting "forty," in line 6.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1346.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7722.]

The Committee on Pensions, to whom was referred the bill (H. R. 7722) granting a pension to Almira K. Parker, have examined the same and report, recommending passage of the same.

The House report contains the facts:

[House report No. 2340, Forty-eighth Congress, second session.]

The claimant is a widow and is the mother of Ira J. Adams, deceased, formerly a private in Company A, Third Regiment New Hampshire Volunteers. He enlisted August 15, 1861, and served until his death, July 2, 1864, caused by a gunshot wound received in action at Drury's Bluff, May 13, 1864. He was her only son, and but eighteen years old at the time he enlisted.

The claimant is utterly destitute of property, and is now old and in feeble health. She was allowed a pension as a dependent mother at the rate of $8 per month from July 3, 1864, to August 16, 1864, the date of her second marriage. Her second husband, one Douglass Parker, died November 21, 1879, leaving an estate worth only $21. Her first husband left her no property whatever.

By letters on file in the Pension Office from the soldier to his mother, during the war, it clearly appears that he contributed from his bounty and wages considerable sums towards her support. Her pension was stopped solely on account of her second marriage. Mrs. Parker has no relatives or friends who are able to provide for her and furnish her a home in her declining years.

Your committee think that she ought to be pensioned now, and report the bill (H. R. 7722) granting her a pension back to the House with an amendment, striking out all after the word "volunteers," in the seventh line, and inserting the words "subject to the provisions and limitations of the pension laws."

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1347.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7308.]

The Committee on Pensions, to whom was referred the bill (H. R. 7308) granting a pension to David Fried, have examined the same, and report recommending its passage.

The report of the House sets out facts in full.

It has usually been held that a prosecutor must prove guilt beyond a reasonable doubt. This rule seems to have been reversed by the Pension Office, and to hold that the soldier must prove that he is not guilty beyond a reasonable doubt.

[House report No. 2047, Forty-eighth Congress, first session.]

The claimant, David Fried, enlisted as a private in Company F, Fifth-ninth Indiana Volunteers, December 19, 1861, and was discharged April 4, 1862, on account of gunshot wound, causing the loss on right hand of index finger between first and second joints, the second finger at first joint, and stiffness of the third finger at first joint. Claimant made application for pension, which was rejected by the Pension Office for the reason that the claimant did not prove, *beyond a reasonable doubt*, that he himself did not purposely discharge his gun, thereby causing the injury. The evidence is conclusive that the claimant was a good soldier; that he had been on picket duty, returned to his tent, lay down and went to sleep; that by some means (not testified to) the straw or corn-stalks that were used for bedding caught fire; that his gun, which was in close proximity, was discharged, causing the injury as above set forth. The fact that no one saw the fire communicated to the gun, in the opinion of this committee, cuts no figure in the case, as it was for that reason, undoubtedly, that the accident occurred. If the claimant or his comrades had seen the fire being communicated to where the guns were lying, as a matter of course they would have extinguished it.

The special examiner in this case says he cannot show that this man shot himself, "but that the burden is on the claimant; he is to prove his claim, at least so far as to exclude a reasonable doubt that he did not purposely wound himself."

This, the examiner says, the claimant has not done. This theory is in direct opposition to the doctrine enunciated by this committee, that the soldier is entitled to the benefit of any reasonable doubt that may exist.

The best evidence in this case, the discharge and certificate of disability of the claimant, seems to have entirely escaped the notice of this special examiner. The captain of his company and the surgeon of the regiment both certify to the accidental discharge of the gun, causing the loss of three fingers.

Your committee are of the opinion that the Government is debarred at this late day of going back on a record made over twenty years ago, and would therefore recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1348.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8104.]

The Committee on Pensions, to whom was referred the bill (H. R. 8104) granting an increase of pension to George S. Hawley, have examined the same, and report favorably, recommending its passage.

Governor Stewart, of Vermont, now a member of the House, has personal knowledge of this case, and it would seem to be one where even a higher rate than $50 is justly due. We adopt the House report as a proper statement of the facts in this case.

[House Report No. 2442, Forty-eighth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8104) granting an increase of pension to Lieut. George S. Hawley, have considered the same, and make the following report:

George S. Hawley served as a private in Company F, Fifth Regiment Vermont Volunteers, from August 27, 1861, to December 15, 1863, when he re-enlisted in the same regiment and served until March 11, 1864, and on the next day (March 12, 1864) was mustered into service as first lieutenant Company E, Twenty-third United States Colored Troops, to serve three years or during the war. He was honorably discharged September 30, 1864, on account of wounds received in action before Petersburg, Va., July 30, 1864. The proceedings of a board of officers, convened at Annapolis, Md., September 27, 1864, contain the following:

CASE No. 813.

First Lieut. George S. Hawley, Company E, Twenty-third United States Colored Troops.

* * * The board find this officer now suffering from the effects of a gunshot wound in the face. The ball entered on the left side below the malar bone, passing through the hard palate and posterior nares and emerged through the malar bone of the right side, carrying away the teeth of both sides of the upper jaw, interfering with the functions of mastication. The board is of the opinion that this officer will not be fit for duty in the field again, and they recommend he be discharged from the service.

L. P. GRAHAM,
Brigadier-General, Volunteers.
G. S. PALMER,
Surgeon, United States Volunteers.
T. HENDRICKSON,
Major, United States Army.

The claimant was pensioned at $17 per month from September 30, 1864, to May 3, 1880, and at $18 per month from that date to ——— —, 1883, since which time he has received $24 per month

Examining Surgeon E. D. Warner, September 6, 1873, thus reports his condition:

"He was wounded by a musket-ball which entered the left side of the face at the lower part of the antrum, passing directly through and emerging directly opposite. The teeth in the upper jaw were all removed except one back molar. The entire roof of the mouth was all carried away, leaving nasal passages entirely open. The result was a flattening of the antrum on both sides of the face, a long-continued discharge from the face, speech was almost destroyed, deglutition seriously affected in consequence of food passing directly into the nostrils. He can only masticate by artificial teeth and a large plate, which covers the entire roof of the mouth. The face is greatly disfigured."

Dr. F. P. Wheeler, examining surgeon, May 3, 1880, reports his condition substantially the same, and adds, that without an artificial upper jaw and roof of the mouth Lieutenant Hawley "can neither articulate a word nor masticate and swallow food or drink." Surgeon Wheeler further certifies that the pensioner is suffering with "arthritic rheumatism, affecting all the joints and the extremities, and that the pensioner, on account of said rheumatic disease, has not been able for the last year to perform any manual labor, and but very little for the last five years."

Again Dr. Wheeler says:

"I cannot resist the conclusion that the disease with which this pensioner is afflicted has been gradually induced by impaired digestion, imperfect assimilation of food, and blood poison, caused by a lack of those secretions so essential in the preparation of food for the stomach in the first process of digestion, occasioned by the gunshot wound through the mouth."

The same surgeon, November 14, 1881, reports Hawley—

"In nearly a helpless condition; cannot walk nor bear his weight upon his feet; has but little use of his hands and arms; cannot sustain himself upon crutches; his joints enlarged and stiff from chronic arthritic rheumatism. Pensioner is rendered completely helpless by this rheumatism, and cannot make a move of any kind without assistance. I find his disability equal to and entitling him to $50 per month."

The pensioner is now in the Soldiers' Home in Montgomery County, Ohio, totally disabled and without property except his pension. He has a wife and family of young children, and has gone to the Soldiers' Home in order that his dependent family may have the entire benefit of his pension. We call attention to the following statement of Hon. John W. Stewart, M. C., from Vermont, who has personal knowledge of the facts touching Lieutenant Hawley's unfortunate condition:

To the Committee on Invalid Pensions:

GENTLEMEN: House bill 8103, introduced by me and referred to your committee, granting increase of pension to George S. Hawley, is, in my judgment, meritorious, and I beg leave to submit a brief statement of facts within my personal knowledge.

The nature and extent of the wound and its immediate evil results to the pensioner are sufficiently shown by the records of the case from the Pension Office, now before you.

Mr. Hawley is a resident of the town in which I live; he has a wife and a family of young children; he has left them and gone to the Soldiers' Home, in Montgomery County, Ohio, in order that his dependent family may receive the entire benefit of his pension, $24 per month; he is totally disabled, and is only able to move about slowly and with great difficulty upon crutches; he can do nothing by way of support, and needs help and care from others; his rheumatic difficulties began when he was in the service, but his terrible wound so overshadowed lesser complaints that the surgeon was not called upon to notice or treat him for rheumatism, so that the record evidence required by the Pension Office, when he made application there for increase of pension, could not be produced. Yet from the date of his discharge to the present time, this disease has made steady progress until it has reduced him to helplessness, and he lives a life of daily suffering from which there will be no release but death.

His imperfect mastication, resulting from his wound and the consequent incomplete digestion, have no doubt incidentally contributed to aggravate the disease he contracted in the Army.

He has no property. I personally know him to be an intelligent, honest, and upright citizen, whose habits are and always have been exemplary.

I do not hesitate to commend his case to your favorable consideration.

I am, very respectfully,

J. W. STEWART, M. C.

JANUARY 27, 1885.

We also append Dr. Hall's affidavit and the affidavit of other citizens of New Haven, Vt., having knowledge of the facts, showing Lieutenant Hawley's soundness before going into the Army and present helpless condition.

Your committee recommend the passage of the bill granting him an increase of pension to $50 per month, from and after the passage of the act.

The undersigned, a physician of New Haven, Vt., being duly sworn, hereby deposes and states that he knew George S. Hawley, a former resident of this town, before he entered the military service of the United States; he was then a strong, sound, healthy man; that after his discharge he suffered from rheumatism; that he was for years unable to perform manual labor; that he stated repeatedly to affiant that he suffered pain when he made any movement; that affiant believes that his disability is the result of exposure while in the military service.

E. D. HALL, M. D.

Subscribed and sworn before me this 26th day of December, 1884, at New Haven, Vt.

ALFRED M. ROSCOE,
Notary Public.

I personally know Dr. Hall, above named, to be a reputable practicing physician of my county:

J. W. STEWART, M. C.

The undersigned, residents of New Haven, Vt., being duly sworn, hereby depose and state that they knew George S. Hawley, a former resident of this town, before he entered the military service of the United States, war of the rebellion, and knew that he was a sound, healthy man; that after his discharge he suffered from rheumatism, and for years was only barely able to walk; he grew more and more lame; he was finally obliged to use crutches; he appeared to suffer pain when making any movement; that it is believed that his disability was caused by exposure during his military service.

J. W. HINMAN.
S. D. DOUD.
A. J. MASON, lieutenant of Company F, Fifth Vermont.
A. S. SQUIER.
S. J. WRIGHT.
M. J. LANDON.
A. MANSFIELD.
E. H. LANDON.
SYLVESTER DOUD.
OLIVER TRUETT.
E. A. LANGDON.
C. L. NUTTING.
M. C. PALMER.
H. C. REASOM.
S. NUTTING.
H. E. WASHBURN.
J. E. COWLES.
O. S. DICKINSON.
JOSIAH COWLES.
D. H. SQUIER.

Subscribed and sworn to before me, at New Haven, Vt., this 27th day of December, 1884.

ALFRED M. ROSCOE,
Notary Public.

I have examined the list of names appended to the within affidavit, and personally know every one of the persons named. They are all, without exception, respectable men, residents of the town adjoining my own on the north, whose statements of any fact within their knowledge is entitled to full credit.

J. W. STEWART, M. C.

JANUARY 27, 1885.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1349.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2367.]

The Committee on Pensions, to whom was referred the bill (S. 2367) granting a pension to Sarah A. White, has examined the same, and report:

The evidence is somewhat conflicting, but the balance thereof is strongly in favor of the claim.

The bill simply proposes to place the name of the applicant on the pension-roll as the widow of the soldier, and it appears that she is in great need.

The evidence also discloses the fact that she rendered excellent service as an Army nurse, and might well be pensioned at a higher rate for that service.

Your committee recommend the passage of the bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1350, and views of minority.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6940.]

The Committee on Pensions, to whom was referred the bill (H. R. 6940) granting a pension to Sarah M. Bissell, have examined the same and report recommending indefinite postponement of the bill.

The record and other facts are printed below. The commodore was in the service from 1826 until 1883.

[House report No. 2096, Forty-eighth Congress, first session.]

The committee have given Mrs. Bissell's case thoughtful consideration, and are convinced that no more deserving claim has come before Congress. Mrs. Bissell is the widow of the late Commodore Simon B. Bissell, who gallantly and faithfully served his country through a long and honorable career in the Navy, and now in utter helplessness she appeals for a pension barely sufficient to keep her from actual want. And in this connection the committee calls attention to the following letter from that gallant patriot Admiral David D. Porter; it tells its own eloquent story. The committee makes the said letter a part of this report:

OFFICE OF THE ADMIRAL,
Washington, D. C., June 19, 1884.

MY DEAR SIR: Please accept my warmest thanks for your kind and encouraging letter regarding the pension of Mrs. Bissell.

I regret very much to hear that there is not a prospect of getting a bill through for the relief of Mrs. Bissell during the present session. The distress of this interesting family is the most dreadful that has come to my knowledge for many years.

It can scarcely be conceived that a person once holding Mrs. Bissell's position as the wife of a commodore in the Navy could be reduced to such poverty. Mrs. Bissell and her daughter have not a cent in the world. They have been obliged to sell every little article of value to purchase food. Fortunately they have a small house of their own in which they can hide their grief and their poverty.

I never knew until day before yesterday their actual destitute condition, and I yesterday sent them the first square meal they have had for two weeks.

Commodore Bissell, when he was retired, took his family abroad to a cheap place, where he was enabled to lay up a little from year to year. He put the money in the hands of a relative of his wife's to invest for her. After the commodore's death his family returned to America to find that all their savings which they had sent home had been made way with, and that absolute poverty stared them in the face. Their own relatives are unwilling to help them by the loan of even a dollar.

How they will get along God only knows, unless they can get this pension.

It is not right that the family of an officer who so faithfully performed his duty, as did Commodore Bissell, should be suffering such extreme poverty from no fault of their own.

I hope you will excuse me for troubling you with this long story; but as you have interested yourself in the matter, and it comes under your cognizance, I thought it my duty to state to you the exact condition of this family. If anything could be done for them *this session, it would be an act of mercy.*

I am sure you have sympathy enough for this case to excuse my intrusion on your time, and I am glad to know that you consider the claim of Mrs. Bissell a just one.

I am about the only one who interests himself in the cases of the wives of old officers left by the death of their husbands in distress. I do so because I know their merits and demerits, and must be the last one to recommend any person for a pension who did not actually deserve it. These good people, Mrs. Bissell and her daughter, deserve more than ordinary consideration. Thanking you for your courtesy in finding time to write and give me such encouraging news for the future,

I have the honor to remain, very respectfully and truly, yours,

DAVID D. PORTER,
Admiral.

Hon. G. W. HEWITT, M. C.,
Chairman Committee on Pensions,
United States House of Representatives.

The committee earnestly recommend the passage of the bill.

To the Honorable the Senate of the United States:

I, the undersigned widow of the late Commodore Simon B. Bissell, United States Navy, who died at Paris, France, February 18, 1883, respectfully appeal to your honorable body for the aid that has been granted to the widows of officers of the rank of my late husband, and pray the passage of the accompanying bill, granting me a pension of $50 per month. My necessities are such as to compel me to make this appeal as urgent a form as possible. My age is seventy-three, and the records of the Department will show the honorable career of my late husband, whose services covered a period of over fifty years, he having entered the Navy in 1825, having passed successively through all the grades to that of commodore on the active list, in which last grade he was honorably retired on attaining the age of sixty-two. During his forty-seven years of active service he filled with credit all the positions to which a naval officer is ever assigned. In the grades through which he passed, and in whatever position he was placed, he left an unblemished record.

I append hereto the record of my late husband as transmitted to me from the Bureau of Navigation and Office of Detail, Navy Department. The petitioner begs that her prayer may be granted.

SARAH M. BISSELL.

The petitioner begs to add that Congress has on many occasions made precedents Not to go further back than 1876, the following instances are cited in which this has been done: In 1876 to the widow of Commodore Elliott; in 1877 to the widows of Admirals Bell and Winslow; in 1878 to the widow of Admiral Wilkes; in 1879, of Commodores Frailey, Gallagher, and McKeever, and of Admiral Stringham; in 1880, of Admiral Davis; in 1881, of Admiral Paulding, and Commodores McCauley and Guest; and, finally, last winter and summer, to the widows of Admirals Goldsborough, Hoff, Reynolds, Lardner, Spotts, and Rodgers, and Commodore Wood.

SARAH M. BISSELL.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Sworn to and subscribed before me this eighth day of April, 1884.

[SEAL.] EUGENE ROSIS,
Notary Public, District of Columbia.

ABSTRACT OF SERVICES OF SIMON B. BISSELL, LATE COMMODORE UNITED STATES NAVY.

1825, March 1. Appointed midshipman.
1826, July 22. Ordered to the Vincennes, Pacific squadron.
1830, June 20. Detached and granted leave.
1830, August 19. Ordered to the Naval School at New York.
1830, December 16. Granted leave.
1831, July 12. Ordered to the navy-yard at Portsmouth, N. H.
1831, July 23. Warranted as passed midshipman, to take rank from the 4th June, 1831.

1832, April 6. Ordered to the United States Mediterranean squadron; was transferred to the Delaware, same squadron.
1836, February 22. Detached from the Delaware.
1837, March 6. Commissioned as lieutenant, to take rank from February 9, 1837.
1837, November 7. Ordered to the steamer Fulton.
1838, October 18. Detached and granted leave.
1838, December 8. Ordered to the Macedonian, West India squadron.
1839, December 2. Ordered to the steamer Fulton.
1840. May 13. Granted leave.
1841, December 29. Ordered to the steamer Missouri.
1843, October 19. Detached and placed on waiting orders.
1845, February 19. Ordered to the Union; special service.
1845, April 14. Detached and placed on waiting orders.
1846, October 14. Ordered to the Albany, home squadron; attached to the naval battery during the siege of Vera Cruz (war with Mexico.)
1848, May 11. Detached from home squadron.
1855, September 13. Transferred to reserve list.
1859, January 6. Commissioned as commander on the active list, to take rank from the 14th of September, 1855, and next after Commander John P. Gillis.
1859, March 22. Ordered to command the receiving ship Independence at Mare Island, Cal.
1860, October 29. Detached and ordered to command the Cyane, Pacific squadron.
1862, November 12. Detached and ordered to the Navy Yard, Mare Island.
1864, August 8. Detached.
1865, February 20. Commissioned as captain to take rank from July 16, 1862.
1865, April 25. Ordered to special duty at Washington.
1865, November 8. Detached and ordered to command the Monongahela, North Atlantic squadron.
1866, December 29. Commissioned as commodore to take rank from the 10th of October, 1866.
1868, July 1. Detached from the Monongahela and placed on waiting orders.
1869, June 2. Ordered as member of Board of Examiners.
1869, July 19. Also as member of Retiring Board.
1870, March 1. Placed on the retired list. Sixty-two years.
1871, September 18. Detached from duty as member of Examining and Retiring Boards and placed on waiting orders.
1872, May 23. Ordered as member of Board of Examiners.
1872, September 30. Detached and placed on waiting orders.
1873, April 30. Granted leave of absence until his service should be required, with permission to remain abroad.
He died in Paris, France, February 18, 1883.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1351.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. JACKSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5838.]

The Committee on Pensions, to whom was referred the bill (H. R. 5838) granting a pension to Henry Ballinger, have examined the same, and report:

That said Henry Ballinger, late a private in Company F, First Regiment Tennessee Cavalry, enlisted in 1862, and was discharged in June, 1865. On the 14th September, 1881, he filed his application for pension, alleging that in the winter of 1862, at Bardstown, Ky., and Nashville, Tenn., he contracted in the service and line of duty "inflammatory rheumatism, which produced numbness of limbs and hoarseness, which still exist." It appears from the hospital records that he was admitted to hospital at Bardstown, Ky., January 17, 1863, with "catarrhal fever;" was absent from his company for about one month, and returned to duty in February, 1863. There was no other treatment while in the service. One officer and two privates say they "understood" he was in hospital for rheumatism. They with their command were at Nashville, Tenn., while the soldier was in the hospital at Bardstown. This "catarrhal fever" is the only disability shown by the records to have existed during the soldier's service. That lasted only about one month, when he rejoined his command for duty. No disability is shown to have existed at date of discharge, and the first medical treatment after discharge, as appears from the papers before your committee, was in 1882, when Dr. Deis treated him for rheumatism. The examining surgeon, in August, 1882, certified that there existed at that time a "rheumatic condition; that the claimant's joints appeared somewhat stiffened and right wrist enlarged." But there is no satisfactory evidence to connect this slight disability with his military service or to show that it had its origin in the service. It would be going too far to presume that claimant's present condition resulted from the "catarrhal fever" for which he was treated in January, 1863.

The claim was rejected by the Pension Office because the alleged existing disability was not traced to or shown to have originated in the service. Your committee think the papers in the case do not show this action of the Pension Office to have been erroneous.

We accordingly recommend the indefinite postponement of the bill by the Senate.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1352.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. JACKSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3040.]

The Committee on Pensions, to whom was referred the bill (H. R. 3040) for the relief of Mary Tarbell, have examined the same, and report:

That William H. Tarbell, late a sergeant in Company D, Seventy-sixth Regiment New York Volunteers, filed his application for pension in 1864, on account of gunshot wound of left thigh, received in the service, and was pensioned at $8 per month. The present bill proposes to place the name of Mary Tarbell upon the pension-roll as the widow of said "William H. Tarbell, late a lieutenant of Company D, Seventy-sixth Regiment New York Volunteers." The papers before your committee consist merely of the pension filed in the case of the soldier and the House report. Except as stated in the House report, there is nothing to show that the soldier is dead, or, if dead, how and under what circumstances he died. Nor does it appear that the said Mary Tarbell has ever made any application for pension to the Pension Office. There is therefore nothing before the committee on which to base a favorable report. We accordingly recommend the indefinite postponement of the bill by the Senate.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1353.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. JACKSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5835.]

The Committee on Pensions, to whom was referred the bill (H. R. 5835) granting a pension to J. H. Adams, have examined the same, and report as follows:

That said J. Henry Adams enlisted as a private in Company K, Fifth Tennessee Volunteers, April 24, 1862, and was discharged May 19, 1865. On the 14th February, 1882, he filed his application for pension, alleging that on or about 20th May, 1862, he contracted measles at Camp Pine Knot, in Kentucky; that afterwards, while about to engage in battle, he suddenly suffered are lapse, which affected his kidneys, lungs, and system generally. That in September, 1864, while unloading cargo from the cars at Atlanta, Ga., a bale of blankets fell upon and injured his foot, the disability extending to his eyes. He further alleges treatment at Cumberland Gap, Atlanta, Ga., and Fort Fisher, N. C. There is no record of his treatment in hospital until February 16, 1865, when he was admitted for a slight attack of erysipelas and returned to duty in three days thereafter. The muster-roll of his company shows him present for duty from enlistment to February, 1865. Two or three witnesses undertake to testify to his having had measles and relapse, as claimed by him, but they are shown not to have been present or in a situation to have any personal knowledge of the facts. The surgeon who examined the claimant in 1882 found no disease of kidneys or lungs, and that his eyes were all right with the exception that on suddenly stooping and rising there was temporary blindness. There is a slight scar on his foot, indicating a cut, impairing sensation in the two smaller toes of left foot but not impairing motion. This surgeon further reported that the claimant had inveterate constipation of bowels, and used drugs constantly to move them. There is no evidence of medical treatment for any cause or disease whatever prior to 1876. There is no satisfactory evidence other than claimant's own statements of alleged disabilities in the service or at date of discharge, nor of their continuance since the claim was rejected by the Pension Office, add in the opinion of your committee properly so. We accordingly recommend the indefinite postponement of the bill by the Senate.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1354.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. JACKSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6182.]

The Committee on Pensions, to whom was referred the bill (H. R. 6182) granting a pension to Edwin Thomas, have examined the same, and report:

That said Edwin Thomas, late a private in Company I, One hundred and forty-sixth Regiment New York Volunteers, was mustered into the service of the United States October 10, 1862. He was not discharged with his command. The muster-out roll of the company, dated July 16, 1865, reports him "deserted February 12, 1863, at camp near Potomac Creek, Virginia." The report of the Adjutant-General says:

Discharged July 18, 1878, to date February 12, 1863, by order of the Secretary of War, to complete his record. Pains and penalties attached to him on account of desertion remitted."

Thereafter, on the 31st August, 1878, he filed his application for pension, alleging that, near Falmouth, Va., about January 12, 1863, in carrying a heavy log up a steep hill he slipped and fell down the hill, the log striking him, causing a rupture in front of the abdomen above the navel, a rupture in his right side near the groin, and an injury of his spine and kidneys. The case received a thorough investigation and examination in the Pension Office, and was rejected because the alleged disabilities were not shown to have originated in the service. On the contrary, the weight of evidence shows that the claimant was ruptured while at work in a chair factory during the period he was absent from his command and borne upon the rolls of his company as a *deserter*. The papers are very voluminous and the testimony frequently conflicting, but when carefully examined the evidence establishes the fact that about the time of the incurrence of the alleged disability the soldier left his command without leave, and never returned during the war; that soon after quitting the service he went to Wisconsin. Credible witnesses who saw him there swore that he was a sound and healthy man in February, 1863. From Wisconsin he went to Michigan and thence to Canada till the war was over. Numerous credible witnesses swore to his being ruptured in a chair factory after he left the army as a deserter. Others swore to the claimant's admissions made to them that he was so injured after he left the service. The

weight of evidence sustains this as the true history of the case. Ho the record of desertion came to removed or corrected does not appea but whether it was properly done or not the testimony fails to establis the material fact in the case, that the claimant received his injury i the service. After a careful examination of the case your committe are fully satisfied with the correctness of the Commissioner's action i rejecting the claim, and we accordingly recommend the indefinite pos ponement of the bill by the Senate.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1355.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. JACKSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3158.]

The Committee on Pensions, to whom was referred the bill (H. R. 3158) for the relief of Werner Lentz, have examined the same, and report as follows:

The applicant in this case served in the military service of the United States as a private in Company I, First Missouri Engineers, from August 17, 1861, to September 28, 1864, and in Company C, One hundred and fifty-fourth Illinois Volunteers, from February 1, 1865, to September 18, 1865, and was honorably discharged.

May 7, 1879, he filed a declaration for pension, on account of disability from rheumatism contracted in the line of duty at Atlanta, Ga., May 15, 1864, by exposure and hard work building breastworks and forts, which was rejected February 1, 1882, on the ground that—

There is no record of the alleged rheumatism, and claimant being unable to show, by medical or other satisfactory testimony, the existence of said disease in service or at time of discharge.

The records of the War Department show that soldier was on detached service with pontoon train at Natchez, Miss., from April, 1864, till July, 1864, and there is not only no record of the alleged rheumatism in the service, but the record shows hospital treatment for intermitent fever in 1865, from which he soon recovered. It appears that he had attacks of rheumatism in 1876, which would unfit him for work two or three weeks, but these attacks seemed to come at intervals. It further appears from positive proof that the claimant has since his discharge, up to 1876, been able to perform the most arduous manual labor. For years after the war his business was that of a hod-carrier and wood-chopper. Since 1876 he has had irregular attacks of rheumatism, but that rheumatism is not traced to his service in the Army. Origin in the service is not shown, its existence at date of discharge is not shown, nor did the alleged disability for years after his discharge prevent him from performing the most arduous manual labor. All this is inconsistent with the theory that his present periodical attacks were due to the service.

We think the claim was properly rejected by the Pension Office, and report the bill back to the Senate with the recommendation that it be indefinitely postponed.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1356.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5555.]

The Committee on Pensions, to whom was referred the bill (H. R. 5555) granting a pension to James Frazier, having considered the same, report as follows:

The papers in this case are voluminous, but we find on examination that thier substance is fairly summarized by the House committee, as follows:

James Frazier enlisted in Company B, Fifteenth Ohio Volunteers, September 6, 1861, and was discharged from the service May 13, 1862, upon surgeon's certificate of disability, setting forth that he was incapacitated for the performance of military duty because of a strained condition of both knees from the exertion in double-quick movements in drill since entering the service. Age, fifty-three years.

On the 21st of February, 1876, Frazier was allowed pension on account of disease of knees, at the rate of $4 per month.

Subsequently the case was specially investigated to determine certain charges made against the pensioner's rights in the premises, and upon said investigation his name was dropped from the rolls, on the ground that the evidence procured by the special examiner tended to show that the injury was received while on furlough.

It is true that the special examination reveals the fact that the original witnesses in the case had little knowledge of the circumstances under which the injury was received, and that the pensioner, by reason of old age, was not a fit subject for a soldier. But that he received the injury as alleged and shown by the record is equally true, which injury was aggravated by walking very fast while attempting to make a train upon expiration of a short furlough granted him to come home on account of sickness in his family.

In the opinion of this committee, the adverse evidence in the case is not sufficient to controvert the record, and as the claimant, by reason of his age at time of his service, was more liable to be injured by the rapid movements incident to "double-quick," the doubt, if any, should be solved in his favor, and therefore report favorably upon the bill and ask that it do pass.

Inasmuch as the certificate of disability upon whitch he soldier was discharged stated specifically that he was disabled by sprain of both knees, as claimed, and as the board of surgeons of the Pension Office after a special examination declared his disability to be due to that cause, and not to other disease, as charged, the committee believe the soldier should be restored to the pension-roll, and recommend the passage of the accompanying bill.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1357.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2068.]

The Committee on Pensions, to whom was referred the bill (H. R. 2068) granting a pension to James H. Reid, having examined the same, report as follows:

This soldier claims a pension because of a gunshot wound received in the left leg in June, 1832, while in the service in the Black Hawk war. His application for a pension before the Commissioner of Pensions was rejected because he was unable to prove that he received the wound while in the line of duty to the satisfaction of the Commissioner. The records of the Government show that he was in the service, and the testimony of several witnesses shows that when he returned from the war he was wounded in the left leg. He is unable to produce any witness who actually saw him when he received the wound, for the reason that of his immediate comrades, every man who was in the service with him is dead. It has been more than fifty years since he performed the service, hence the difficulty of making specific proof of all the facts.

Your committee, however, are of opinion that the proof is ample to justify the allowance of a pension, and therefore recommend the passage of the bill, and recommend that the Senate bills 1776 and 2222 be reported adversely, as the House bill grants the relief asked for in each of the Senate bills.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1358.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2284.]

The Committee on Pensions, to whom was referred the bill (H. R. 2284) granting a pension to Elizabeth Fowler, having considered the same, report it back favorably, and adopt the report and recommendation of the House Committee on Invalid Pensions, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2284) granting a pension to Elizabeth Fowler, have had the same under consideration, and report as follows:

Elizabeth Fowler is the widow of Philo Fowler, late of Company A, Second Battalion, Seventeenth United States Infantry Volunteers of Maine, who was pensioned for wounds received at Gettysburg, and who died May 27, 1878. On the 29th of November following his death his widow filed her application for a pension in her own right, which was denied on the ground that the immediate cause of her husband's death, to wit, "hemorrhage of the stomach," was not the result of injuries for which he was pensioned, nor due in any way to the same. On examination of the declaration and the papers submitted therewith, your committee are unable to agree with the medical expert who rejected the case, and the reasons are briefly as follows: Philo Fowler, at the time of his enlistment, May 26, 1862, was in the very prime of life, healthy, strong, and full of vital force and energy; in three years he returned crippled for life and a confirmed invalid, and the cause was his Army experiences. He has no hospital record up to July, 1863, but at Gettysburg, while in line of duty and in action with the enemy, he was severely wounded in both knees, and lay on the field of battle five days uncared for through drenching rains and scorching suns, before he was removed to hospital at Harrisburg. There he remained several months suffering more than the pains of death, unable to be moved, lying, as he says, in one position till his clothes rotted under him. He was several times placed on the table to have his limbs amputated; was once carried to the dead-house, supposed to be dying, and was, for several weeks, too low to speak; and yet, against all expectation, he recovered sufficiently to be sent to Portland, Me., where, on May 26, 1865, after three years of service and suffering, he was discharged, and returned to his home crippled, broken in health, with vital energies impaired, the wreck of his former self, and there, after lingering in pain and suffering thirteen years, he died; and yet this medical expert says "his death was not the result of his injuries, nor due in any way to the same."

Dr. Hall, a physician of sixteen years' practice, testifies that he became acquainted with Philo Fowler soon after his discharge in 1865, learned his history, and became interested in the case, though he soon became satisfied medical treatment could not restore him. It was obvious that beyond the local injuries the soldier's vital energies were much reduced, his constitution broken, and his health permanently impaired. Deponent knew and observed said Fowler from his return home in June, 1865, to his death in 1878, and knows that he did not recover his health and tone, owing to the severe ordeal through which he passed while in the Army, and states professionally that the result of the hardships endured in service and hospital followed said soldier to his grave, and if not the sole and immediate cause of his death, naturally hastened his end. Again, Dr. Hall says:

"The condition and appearance of said soldier, as I knew and observed him from

the time he came home from the Army, and the developments of the post-mortem amination, clearly indicate former acute disease of the lungs. His wounds, injur and exposures not only tend, but were almost sure to produce such lung disease; t he has seldom seen a case in which cause and effect could be more clearly traced, o which the several steps were more obvious and consecutive."

To the lay mind there is no doubt that the injuries and sufferings of this soldi consequent upon his military service, brought him to a premature grave, and unde fair construction of the law his widow is entitled to a pension. But in the exami tion of the papers it further appears that the life of the husband was not the only sacrificed by this widow on the altar of patriotism. At the time of the enlistment the father, Chauncy Fowler, an only son and child of Philo and Elizabeth Fowle boy fifteen years of age, also enlisted in the same company, and served together the vicissitudes of war separated them at the memorable battle of Gettysburg. T son, after participating in seventeen actions, was made prisoner of war, confined Belle Isle, and afterwards at Salisbury, N. C.; finally exchanged, furloughed, and s North to his mother, a mere skeleton of the brave boy who left home three years l fore. By careful nursing he so far recovered as to return to Annapolis and was h orably discharged June 13, 1865, but he never recovered his health. Exposure a starvation brought on curvature of spine and other consequent diseases, making hi a confirmed invalid requiring constant nursing till he died, May 26, 1874, at the ear age of twenty-six years.

Elizabeth Fowler is now childless and a widow, with no means of support exce her daily labor. The house in which she lives and from which she has buried bo son and father is mortgaged to nearly its full value. The pension of her husba ceased at his death, and her application in her own right has been denied on the tec nicality "that his death was not the result of injuries for which her husband receiv a pension, nor due in any way to the same."

Believing injustice has been done in denying her application, and in refusing to r open the case, your committee are of the opinion that the bill should pass.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1359.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3074.]

The Committee on Pensions, to whom was referred the bill (H. R. 3074) granting a pension to Jasper J. Henry, beg leave to submit the following report:

We find the facts in this case to be fully and correctly stated in the report of the House committee, which is hereby adopted and made part of this report, as follows:

The claimant, Jasper J. Henry, filed his declaration for pension in the department March 13, 1867, alleging that while in discharge of duty as guide, in carrying a dispatch, he was fired upon by the enemy, and received a gunshot wound in left knee. His claim was rejected by the department upon the ground that claimant was not a regular soldier of the United States at the time he received his injuries. Claimant testifies that on or about the 1st day of April, 1864, while he was a member of Capt. John W. Bevens's company of Arkansas militia, he was detailed, by order of Col. M. La Ru Harrison, colonel commanding the First Arkansas Cavalry, United States troops, then stationed at Fayetteville, Ark., to escort and pilot Corporal John H. Bird, of Company A, First Arkansas Cavalry, from Fayetteville, Ark., to Kingston, Ark., a distance of some 50 miles; that while en route to the said Kingston, Ark., they were fired upon by the enemy, his horse killed dead, and that he received gunshot wound in left knee, which has made him a permanent cripple, and rendering him unable to perform manual labor.

Alison Boyd, of Madison County, Arkansas, testifies that on or about the 1st of April, 1864, he was a corporal of Company L, First Arkansas Cavalry Volunteers, United States soldiers; that he was one of a detachment of soldiers that was started to bear a dispatch from Fayettville, Ark., to Kingston, Ark.; that claimant, Jasper J. Henry, was detailed and acting as a guide for said detachment; that on their way, some 10 or 12 miles from Fayetteville, Ark., they were fired on by the enemy; that he saw claimant fall wounded, and his horse killed dead under him.

George W. Roe testifies that on or about the 1st day of April, 1864, he was first lieutenant of Capt. John W. Bevens's company, Arkansas militia; that said company was under and subject to the orders of Col. M. La Ru Harrison, colonel commanding First Arkansas Cavalry; that his said company was at that time stationed some distance east of Fayetteville, in the direction of Kingston, Ark., when his said captain received orders from said Colonel Harrison, by Corporal John H. Bird, of the said First Arkansas Cavalry, to furnish said Corporal Bird a guide to escort said corporal and party with a dispatch to the Ninth Kansas, United States Volunteers, then camped at Kingston, Ark.; that claimant and himself were detailed to pilot said corporal and party to Kingston, and when on their way they were attacked by the enemy, and that Jasper J. Henry fell wounded in left knee by a gunshot wound fired by the enemy, and his horse was killed under him; that said claimant has been lame in said knee ever since, the same being stiff.

Capt. J. W. Bevens testifies, that by order of Col. M. La Ru Harrison, commanding First Arkansas Cavalry, he detailed claimant, Jasper J. Henry, to escort a scout bearing a dispatch from Fayetteville, Ark., to Kingston, Ark.; that claimant, while in discharge of duty, was wounded by the enemy in left knee.

Dr. J. E. Plummer and Dr. W. C. George both testify that they have examined claim-

ant, Jasper J. Henry, and find that he is permanently disabled in left knee and hip, the result of a gunshot wound received in left knee. Dr. George says claimant is disabled two-thirds.

After a careful investigation of the evidence above, your committee are of the opinion that claimant is entitled to a pension, and recommend that the bill do pass.

This claim was rejected because it did not come under the general law, but the evidence cited satisfies the committee that the claimant should have a pension; and we therefore recommend the passage of the accompanying bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1360.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1612.]

The Committee on Pensions, to whom was referred the bill (S. 1612) granting a pension to Bryson R. McCartney, having examined the same, report:

That Bryson R. McCartney enlisted in Company I, One hundred and twenty-eighth Illinois Volunteers, September 26, 1862, and was discharged from the service January 9, 1864, on a surgeon's certificate of disability, from chronic rheumatism and general debility. In his application for a pension he alleged that he contracted rheumatism and general debility in the winter of 1862–'63, at Cario, Ill., by reason of exposure while performing camp and garrison duty. His claim was rejected on the strength of a report made by a special examiner, submitting testimony from a number of former neighbors, going to show that claimant's disability existed prior to enlistment. This testimony shows that claimant had a severe illness two years previous to his enlistment, and was not in as good health afterwards, but does not cover the time immediately before enlistment. On the other hand, claimant submitted the testimony of two physicians as to his soundness at enlistment; of his lieutenant, and of several neighbors to the same effect. The Pension Office surgeon, who examined him in 1877, pronounced him disabled in excess of total, and declared him "too feeble to work." This physician said that claimant's knees and right hand were stiffened, and that the sight of his left eye was nearly gone, and rated him as totally disabled by general debility and five-eighths of total by rheumatism.

The committee has received petitions signed by a number of citizens of Greenwood County, Kansas, where claimant has resided for many years past, calling attention to his total disability and destitute condition. Claimant is seventy-four years of age, and has been totally disabled since his discharge. As his services were accepted by the Government, we are disposed to give him the benefit of any doubt that may exist as to his soundness at enlistment, and therefore recommend the passage of the accompanying bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1361.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5938.]

The Committee on Pensions, to whom was referred the bill (H. R. 5938) granting a pension to Julia A. Marcum, respectfully submit the following report:

Your committee adopt the report of the House Committee on Invalid Pensions as setting forth correctly the grounds on which this claim is based, as follows:

That claimant is the daughter of Hiram C. Marcum, who, in 1861, was a well-to-do farmer, residing in Scott County, Tennessee. He was a Union man, and became a marked man by reason of his activity in guiding Union men to Kentucky who desired to join the Union Army. The Confederate forces determined to capture him, and for the purpose a company of Confederate soldiers, known as the "Bull Pups," was ordered into camp in September, 1861, within one mile of the residence of Marcum. On learning that he was at home, one night, about September 7, 1861, a squad of these soldiers was sent to his house to capture him. Marcum's daughter, Julia A., resisted them until her father effected his escape from the house. Later on the same night one of the Confederate soldiers effected an entrance into the house and attempted violence to the person of one of Marcum's younger daughters. Her cry for help brought Julia to her assistance, and she fought for her as she had fought for her father. In the contest the soldier, who was drinking, run his bayonet into Julia's eye, putting it out. The father, obtaining assistance, removed his family to Kentucky, where he enlisted in the Union Army, and died in the service. His personal property was all destroyed during the war, and his land was sold for taxes after the war, and the title passed from his family by their failure or inability to redeem it from sale in the time prescribed by statute.

General Wolford, a gallant officer in the late war, and a member of the present House of Representatives, says, in support of the claim of Julia A. Marcum for pension:

"I saw Julia A. Marcum shortly after she was wounded, and have known her well ever since her wound. For a few years after the war she supported herself by teaching school; but the disability from her wound has continually increased until her mind is seriously impaired and her health so completely destroyed that she cannot support herself. She has no means, and is as helpless as a child."

A number of witnesses and neighbors of claimant corroborate the above testimony.

Your committee are of the opinion that this daughter of a brave soldier, who gave his life to his country, who, when just entering womanhood, received an injury in defense of her person and that of members of her family from outrage at the hands of a Confederate soldier which renders her an invalid for life, should receive a pension, and therefore recommend the passage of the accompanying bill.

Under the circumstances, we consider this a proper case for Congressional action, and believe that a pension should be allowed. We therefore report back the accompanying bill with the recommendation that it do pass.

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8TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1362.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2316.]

The Committee on Pensions, to whom was referred the bill (S. 2316) granting a pension to Mrs. Cordelia Brainerd Thomas, having considered the same, beg leave to report it back with recommendation that it be amended by inserting the word "fifty" after the words "the sum of" in the eleventh line of said bill, so that it shall provide for the payment to Mrs. Cordelia Brainerd Thomas of the sum of fifty dollars each month after the passage of the act, during her widowhood.

Mrs. Thomas is the widow of the late Rev. Dr. E. Thomas, a divine well known and conspicuous in the Methodist Episcopal Church for his learning, piety, ability, and especially his zeal in all philanthropic works. There was, perhaps, no man on the Pacific coast who stood higher in the church or the estimation of men generally than Dr. Thomas, whose life was one continued labor in his high calling.

When, in the early winter of 1873, the Government decided to enter into negotiations with the Modoc Indians with a view to the cessation of hostilities, and, if possible, an equitable harmonizing of the differences that brought on what is known as the Modoc war, Dr. Thomas was selected by the Secretary of the Interior, upon the recommendation of Mr. Sargent, then a Senator from California, as a member of the commission of peace to treat with the said Indians. The place or appointment was not sought by Dr. Thomas nor by his friends for him; but he was recommended at the request of the Government because of his high character as a Christian and philanthropist; and the telegram which ratified him was doubtless the first intimation that he had of his selection for the performance of such an important trust. He accepted the appointment and went to the discharge of the functions imposed upon him, as a matter of duty to which he was called by the Master to whose service he had consecrated his life; and in its performance and fulfillment he laid down that life.

The story of his death needs scarcely to be recounted here. While the peace commission, under the protection of a flag of truce, were in conference with the chiefs and leaders of the Modocs, without guard or protection, they were brutally and treacherously assaulted by the savages. General Canby and Dr. Thomas were slain outright; while Colonel Meacham, a third member of the commission, was pierced with wounds supposed to be mortal.

The telegram notifying Dr. Thomas of his appointment was dated March 19, 1873, and he was murdered on the 11th day of April, 1873, in the lava beds of Oregon. *He died in the* service of his country and *while he was engaged in the patriotic* performance of a duty which

sought him. His death was not less glorious than that of the soldier on the field of battle in the defense of the honor and tranquillity of his country.

Mrs. Thomas, the proposed beneficiary under this bill, is a woman of over seventy years of age. She is in destitute circumstances. Surely her few remaining years upon this earth ought to be made comfortable to her by the Government in the service of which her husband yielded up his life.

By the act of June 4, 1874, Mrs. Canby, whose husband, Gen. E. R. S. Canby, fell by the side of Dr. Thomas, was granted a pension of $50 per month. Colonel Meacham was left for dead upon the field, but recovering subsequently, lived for several years. Shortly after her his death, Mrs. Meacham, his widow, was granted a pension of like amount by the act of March 2, 1883. The committee can see no reason why there should be any distinction made in these cases.

Herewith are submitted a copy of Dr. Thomas's appointment and a letter from the Secretary of the Interior, with a statement from the Indian Office setting forth the facts with reference to this matter.

[Telegram.]

DEPARTMENT OF THE INTERIOR, *March* 19, 1873.

You have been appointed a member of the peace commission in place of Applegate, to treat with Modocs.

C. DELANO,
Secretary.

Rev. E. THOMAS,
Petaluma, Cal.

DEPARTMENT OF THE INTERIOR,
Washington, May 29, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of 21st instant, requesting information in relation to the Rev. Dr. E. Thomas, who was killed by the Modoc Indians in California in 1873.

In reply, your attention is respectfully invited to the inclosed copy of report of 21st instant, with accompanying papers, from the office of Indian Affairs, to which your letter was referred.

It appears from these papers that Dr. Thomas was appointed a commissioner on the part of the Government to act with others similarly appointed to effect certain negotiations with the Modocs, and full information, so far as can be ascertained, will be found in the papers and in the documents referred to therein, which will be found in the files of Congress.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. J. F. MILLER, *United States Senate.*

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 27, 1884.

SIR: I have the honor to acknowledge the receipt, by Department reference of the 22d instant, for report, of a letter dated the 21st instant from Senator John F. Miller, requesting information as to the official status of Rev. E. Thomas at the time he was murdered by the Modoc Indians, in the year 1873. Senator Miller also desires a full statement in the premises and a synopsis of the causes which led to the appointment of the peace commission, &c.

In reply, I have the honor to say that, under date of March 19, 1873, the then Secretary of the Interior (Hon. C. Delano) notified by telegram (copy herewith) Rev. E. Thomas, at Petaluma, Cal., of his appointment as a member of the peace commission

reat with the Modocs in place of Jesse Applegate, esq., who had been previously pointed as a member of the commission, and who was to receive as compensation his services ten dollars ($10) per day and actual expenses.

Mr. Thomas commenced his service in connection with the commission on the 20th March, 1873, and performed the required duties up to April 11 of the same year, hen he and General Canby were brutally murdered while engaged in a conference ith Captain Jack, chief of the Modocs, and other representative men of the tribe.

In June, 1874, the administrator of the estate of Dr. Thomas (John R. Jarboe) as paid from the appropriation for fulfilling treaty with the Klamaths and Modocs e sum of $257.10, being at the rate of $10 per day for the time the deceased had rved on the commission, including traveling instructions.

The instructions for the guidance of the peace commission (copy herewith) were repared in this office by direction of the honorable Secretary, and were approved by he Department under date of February 5, 1873. These instructions set out in detail he objects to be attained by the commission and the plan to be followed in the rosecution of their labors; and also contains a concise statement of the questions in ontroversy between the Government and the Indians.

In connection with the causes which led to the Modoc war, I beg leave to refer to ages 12 to 14, inclusive, of the annual report of this office for the year 1873, and to e report of A. B. Meacham, chairman of the commission, which will be found on ages 74 to 82, inclusive, of the annual report aforesaid. In his report Mr. Meacham ves a full and graphic account of the proceedings had by the commission and deils the circumstances attending the murder of Dr. Thomas.

In addition to the foregoing, I respectfully beg leave to refer to House Ex. Doc. o. 122, Forty-third Congress, first session, in which will be found copies of all the rrespondence between the different departments of the Government and the peace mmissioners during the war with the Modocs in Southern Oregon and Northern Calrnia during the years 1872 and 1873; also, copies of all the correspondence with and lers issued to the military authorities engaged in said war up to the period of the noval of said Modocs from the States of Oregon and California.

The aforesaid documents contain substantially all the information in possession of s office which relate to the troubles referred to.

n addition to the inclosures heretofore mentioned, I herewith respectfully return ator Miller's letter, and also inclose a copy of this report.

Very respectfully, your obedient servant,

E. L. STEVENS,
Acting Commissioner.

he Hon. SECRETARY OF THE INTERIOR.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1363.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7602.]

The Committee on Pensions, to whom was referred the bill (H. R. 7602) granting a pension to Harriet M. Bailey, having examined the same, report as follows:

That the circumstances under which a pension is asked in this case are shown in the report of the House committee, which is as follows:

We find that Harriet M. Bailey is the widow of Col. William P. Bailey, of the Second Regiment of Delaware Volunteers. Colonel Bailey enlisted July 16, 1861, and was discharged May 16, 1864. January 12, 1877, he applied for and received a pension for paralysis. He died February 1, 1883, being at the time utterly helpless, requiring the constant aid and attention of another person, and receiving the highest pension allowed under the law. The immediate cause of his death was acute pneumonia, and the Pension Office was compelled to reject the application of claimant on the technical ground that the disease from which he died was not the result of his military service.

The attending physician, Dr. Monroe B. Long, of Plainfield, N. J., testifies that he was for five years the medical attendant of Col. W. P. Bailey.

"He has been greatly affected with paralysis agitans and its nervous complications, such as paralysis of the eyelids, of the laryngeal muscles, of loss of control of the muscles of the limbs and body generally, requiring constant care and attention in dressing, eating, walking, &c. * * * Thus for years he passed a miserable existence, until the last illness terminated in death."

The doctor then describes the last illness as acute pneumonia, and adds:

"I have known Mrs. Harriet M. Bailey for years, and consider her a lady to be admired for her long, patient, and faithful care of her afflicted husband, for honesty of purpose in the pension matters connected with herself, and as a lady of good standing in society."

Colonel Bailey's terrible condition was caused by a wound received at Fredericksburg, Va., December 13, 1862. A few weeks would have probably ended his miserable existence had not the attack of pneumonia terminated fatally, and it is highly probable that had it not been for his enfeebled condition his system might have resisted the fatal disease.

Your committee recognize the fact that the Pension Office could not, under existing laws, grant the pension, but they believe that claimant is in equity entitled to it, and therefore recommend the passage of the bill.

We concur in the views of the House committee, and therefore recommend the passage of the accompanying bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1364.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7731.]

The Committee on Pensions, to whom was referred the bill (H. R. 7731) granting a pension to Lois B. Smith, having examined the same, report as follows:

The report submitted by the House committee in this case sets forth the circumstances as follows:

Theodore H. Jamison, son of the petitioner, enlisted in the service of the United States October 18, 1861, as a private in Company K, Thirteenth Regiment New York Volunteers, and was killed in action at the battle of Manassas, Va., August 30, 1862.

The claimant filed application for pension March 27, 1879, but it was rejected on the ground that the claimant, at date of soldier's death, was not dependent upon him for support.

Charles H. Jamison, son of the claimant and brother of the deceased soldier, testifies to the enlistment of the soldier in 1861, and that on each pay day sent home money to his mother in amounts varying from $5 to $10 per month, as he was paid, and after his death she received from the Government $100 in bounty, in October, 1863. Prior to enlisting, he taught school, sold books, worked on farms, and for about a year in a mill at Batavia, N. Y., doing what he could to assist his mother. In 1864, two years after his death, she was paid $6,000 by the request of her son, the soldier, in case he failed to return from the war, to be used for her comfort and support. This money had been left him by his father. This, with the earnings of her second husband, Z. W. Smith, made them comfortable, but it was gradually used up, owing to sickness, and in her old age she is poor, having no permanent home, and living upon the charity of her stepdaughter and other friends, all of whom are poor and not able to care for her. It is shown that her second husband, who was doing a small business, failed in 1857, and at the time of the son's death was earning from $1 to $2 per day; subsequently he was taken sick with rheumatism, culminating in erysipelas, of which he died.

Another witness testifies that after the death of her first husband claimant married Zenas W. Smith, who lost his property in 1857; that she had a small amount of property which she used to support the family, aided by the earnings of her husband and the contributions of the son who was killed, and that the son frequently sent money to her from the Army. The husband (Smith) died after a lingering illness of three or four years, which sickness and the expenses of the family, consumed the small amount of property she had, and that she is now wholly dependent upon others for support.

Several affidavits of similar import appear in the papers, fully establishing the fact of the mother's dependence at the time of soldier's death and her present indigent circumstances. She is now sixty-eight years of age.

In her affidavit she states that she lives with friends from time to time, going from place to place, and that she lives thus because she cannot live in any other way, and because she is not obliged to pay anything for board. She also states that, in 1861, her family consisted of a stepdaughter, aged 17 years, a daughter, aged 14 years, and three sons, aged respectively 15, 11, and 8 years, the youngest being a cripple, unabl

to dress or undress himself, and her husband. This statement is made to show that the earnings of her husband were insufficient to support the family, and that she was dependent upon the son at the time of death.

The committee believe this to be true, and that she is entitled to a pension for the loss of this son, and therefore recommend the passage of the bill.

Your committee have carefully examined the testimony in the case, and, taking into consideration all the circumstances, regard this claim favorably. We therefore recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1365.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3749.]

The Committee on Pensions, to whom was referred the bill (H. R. 3749) granting a pension to William Bolwork, have examined the same, and report as follows:

William Bolwork enlisted in June, 1861, as a private in Company K, Thirteenth Regiment Ohio Volunteer Infantry, and was discharged July 7, 1863. He claims a pension for loss of left eye and left hand, also injury to right knee and right shoulder, and severely injured testicles. It appears in the testimony that claimant was captured at the battle of Stone River, Tennessee, was taken to Libby Prison, and remained there about two months; was then paroled and sent to Parole Camp, Annapolis, Md., where he remained about a month, and was then sent to Camp Chase, Ohio.

His claim was rejected April 14, 1882, on the ground that he was not in line of duty when injury occurred to his eye and arm, and that his other disabilities are not clearly proven to have existed while in the service, or to have been occasioned by the exposures incident to Army life.

It is claimed that the injury to eye and arm was occasioned by the bursting of a gun when at Camp Chase and when the claimant was not in the line of duty.

The claimant himself says that—

On or about December 31, 1862, at the battle of Stone River, I was attacked by rebel cavalrymen in a charge they made, and was struck on the right shoulder and knocked down upon a stump severely injuring my testicles and right knee; and on or about the middle of April, 1863, at Camp Chase, after I came off guard, I went with others back of the barracks to shoot off the guns, and when I fired mine it burst, wounding me in the left hand and eye. I was taken to the general hospital in Columbus, Ohio, and was treated there until I was discharged from the service. I will further state this accident occurred through no fault of mine. I knew but few of the men at the time this accident happened who were present, and I have made diligent search and inquiry for them but cannot find them, and no officers of my regiment were present, as I was absent from my command, a paroled prisoner. It is impossible for me to furnish this evidence. I have never been in the military, naval, or marine service of the United States since my discharge, July 7, 1863.

Drs. J. S. Beck, H. S. Jewell, and A. S. Dunlap, of Dayton, Ohio, under date of September 21, 1881, certify:

We hereby certify that we have carefully examined William Bolwork, late a private of Company K, Thirteenth Regiment Ohio Volunteer Infantry. In our opinion the said Bolwork is $22 incapacitated for obtaining his subsistence by manual labor.

Your committee recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1367.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2539.]

The Committe on Pensions, to whom was referred the bill (H. R. 2539) granting a pension to George W. Kiser, have examined the same, and report:

That said George W. Kiser was disabled in the service, and disability continues.

Your committee recommend the passage of the bill.

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8TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1368.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1046.]

The Committee on Pensions, to whom was referred the bill (H. R. 1046) granting a pension to Mary A. Griffith, have examined the same, and report as follows:

The papers in this case show that William D. Griffin was mustered into the service of the United States as a private on the 28th day of September, 1862, at Lockport, N. Y., in Company F, One hundred and fifty-first Regiment, New York Volunteers, and that he was killed at the battle of Monocacy, at Monocacy Junction, in the State of Maryland, on July 9, 1864. The Adjutant-General's report says:

Missing since July 9, 1864; supposed to be taken prisoner, but prisoners taken at that time and since paroled report him killed July 9, 1864.

He left a widow but no children. The papers indicate that the widow received a pension. She has since remarried, which debars her from the pension. It seems that the mother of the petitioner, Mrs. Mary Griffin, applied for a pension prior to the marriage of the widow, as the packet containing the mother's affidavit bears this indorsement: "Rejected; widow in receipt of pension, August 26, 1865." Under the law the mother cannot receive a pension through the action of the Pension Office, as section 4707 of the pension laws provides that where a soldier dies who is entitled to an invalid pension, leaving a wife or children, no other relative or relatives shall be entitled to receive a pension, notwithstanding such relative may have been dependent upon him for support prior to his death. The inference then is that should the widow die or remarry, leaving no children, by her first marriage, under sixteen years of age, the right to a pension, resulting from the soldier, terminates *in toto*, and no title to any party remains.

The question then is, has this mother a moral or equitable right to support from the Government, to be determined by the following affidavits, which show conclusively that she was dependent upon her son for a maintenance.

James Duncan and Richard Winthrop, jr., swear "that they have been well and intimately acquainted with her (Mary Griffin) and her deceased son, her husband, and with all the circumstances of the family for the past ten years. That she has not now, nor has she had since deponent's acquaintance with her, any property whatever, except the necessary household furniture and *wearing* apparel. That said Will-

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1368.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1046.]

The Committee on Pensions, to whom was referred the bill (H. R. 1046) granting a pension to Mary A. Griffith, have examined the same, and report as follows:

The papers in this case show that William D. Griffin was mustered into the service of the United States as a private on the 28th day of September, 1862, at Lockport, N. Y., in Company F, One hundred and fifty-first Regiment, New York Volunteers, and that he was killed at the battle of Monocacy, at Monocacy Junction, in the State of Maryland, on July 9, 1864. The Adjutant-General's report says:

> Missing since July 9, 1864; supposed to be taken prisoner, but prisoners taken at that time and since paroled report him killed July 9, 1864.

He left a widow but no children. The papers indicate that the widow received a pension. She has since remarried, which debars her from the pension. It seems that the mother of the petitioner, Mrs. Mary Griffin, applied for a pension prior to the marriage of the widow, as the jacket containing the mother's affidavit bears this indorsement: "Rejected; widow in receipt of pension, August 26, 1865." Under the law the mother cannot receive a pension through the action of the Pension Office, as section 4707 of the pension laws provides that where a soldier dies who is entitled to an invalid pension, leaving a wife or children, no other relative or relatives shall be entitled to receive a pension, notwithstanding such relative may have been dependent upon him for support prior to his death. The inference then is that should the widow die or remarry, leaving no children, by her first marriage, under sixteen years of age, the right to a pension, resulting from the soldier, terminates *in toto*, and no title to any party remains.

The question then is, has this mother a moral or equitable right to support from the Government, to be determined by the following affidavits, which show conclusively that she was dependent upon her son for a maintenance.

James Duncan and Richard Winthrop, jr., swear "that they have been well and intimately acquainted with her (Mary Griffin) and her deceased son, her husband, and with all the circumstances of the family for the past ten years. That she has not now, nor has she had since deponent's acquaintance with her, any property whatever, except the necessary household furniture and wearing apparel. That said Will-

iam D. Griffin resided at home with his mother up to the time of his en listment. That he was a cooper by trade and worked at his trade in th city of Lockport for ten years prior to his enlistment, and was not marrie until after his enlistment. That Griffin's father, for three or four year prior to his death, was unable, on account of disease and infirmity, t labor but very little, and could not contribute to the support of his wife That during this time, and after the father's death, until his enlistmen he resided at home, and contributed to the support of his mother and th family all of his wages, purchasing the fuel, provisions, clothing, an the other necessaries. The deponents are of the opinion that the amoun contributed for the family was $150 per year, that they know she wa dependent upon her son as stated, and that she is now needy and de pendent. That she has a son nineteen years of age, and a daughte twelve years old, who is sickly, and needs much care. That the know William D. Griffin left a widow, who has since his death marrie one William Leroy."

The mother, in her affidavit, says that she has not now, nor has sh had since the death of her husband, any property whatever exceptin necessary furniture and wearing apparel; that her son William lived a home with her prior to enlistment, and that he materially contribute to her support by giving her his wages, supplying her with food, clothing, and other necessaries; that her son was not married until after hi enlistment, and that she is needy and dependent, and prays for a pen sion for her support.

The committee are of the opinion that William D. Griffin did suppo his mother, and that in his death her loss is irreparable. She is no seventy-two years old, and is in needy circumstances. As the la precludes her getting relief through the regular channel of the Pensio Office, the committee think a special act should pass for her benefi and therefore recommend the adoption of the bill accompanying, wit the following amendments: Strike out the word "Griffith" wherever i occurs in line 5, and insert "Griffin." Strike out all in the bill after th word "pension-roll" in line 7, and insert "subject to the limitations an provisions of the pension laws." Amend the title by striking ou "Mary A. Griffith," and insert "Mary A. Griffin."

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1369.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7336.]

The Committee on Pensions, to whom was referred the bill (H. R. 7336) granting a pension to Truman A. Morton, have examined the same, and report as follows:

The petitioner, Truman A. Morton, enlisted June 30, 1863, as a private in Company E, Sixteenth Regiment New York Cavalry; was discharged January 17, 1864; filed declaration for pension February 16, 1876; application rejected June 14, 1878, for the reason that alleged injury was received prior to enlistment. His certificate of discharge shows he was discharged on account of deafness; but this was not the ground upon which he applied for a pension. The proof is ample that while Morton and other soldiers were driving in a herd of cattle, for the use of the Army of the Potomac, near Stafford Court-House, Va., they had a skirmish with a detachment of Mosby's Confederate cavalry; that Morton's horse was shot under him and a horse of one of Mosby's men fell upon him, injuring him severely in the stomach and bowels. From this injury he has never recovered. He was sent to hospital in Washington, D. C., and discharged from Ladies' Hospital in New York.

The testimony as to his soundness and full manly strength prior to and at the time of his enlistment is ample; also as to the fall of horse upon him and injury therefrom.

Dr. Miller, of Warsaw, N. Y., testifies that he treated Morton for the injury in fall of 1863, when he was home on furlough; that he treated him immediately after his discharge, and occasionally up to 1877; that said injury was in the right side and in the pyloric extremity of the stomach. Other witnesses testify as to his sickness and inability to work. In August, 1882, the examining board of surgeons state as follows, viz: "Judging from his (Morton's) present condition and from the evidence before us, it is our belief that the said disability did originate in the service aforesaid and in the line of duty." Also "that he was thrown from horse and injured in stomach October 10, 1863," and that he "was laid up in hospital till January 17, 1864, and then discharged from results of said injury."

Your committee therefore recommend the passage of the accompanying bill.

3TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1370.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7338.]

The Committee on Pensions, to whom was referred the bill (H. R. 7338) granting a pension to Chloe A. Whipple, have examined the same, and report:

Chloe A. Whipple is the mother of Charles A. Whipple, who enlisted as a private in Company L, Eighth Regiment New York Heavy Artillery, December 15, 1863, and died at Salisbury, N. C., while prisoner of war, February 13, 1865. Her claim for pension has been rejected on the ground of non-dependence upon the soldier.

It appears from the evidence on file in the Pension Office that the husband of the claimant at time of the son's enlistment was possessed of a farm of 28 acres, on which there was a mortgage of $1,600. This mortgage was subsequently paid off, with the bounty and pay received by him on account of the services of the son, Charles A., and another son, who also died while in the service. Subsequently this land was traded off for another tract, which in turn was exchanged for a farm in Kansas. This farm was recently traded for a house and lot in Rochester, N. Y., now occupied by the family. This property, however, is mortgaged to nearly its full value. The principal income of claimant's husband prior to and since the war has been obtained by running a thrashing machine or two during the fall and winter months. In this he was greatly assisted by the sons prior to their enlistment in the Army. He is shown to have been unfortunate in business, and much of the time disqualified for the performance of manual labor by reason of rheumatism. At no time was the small amount of land owned by him free of incumbrance. That both sons while in the Army contributed to the support of their parents is clearly shown by their letters on file with the papers.

The fact that the claimant gave to the country her only two sons, who could and undoubtedly would have aided and assisted her in her declining years, and the further fact that her husband, now old and broken down in health, with but little property, finds it difficult to procure for her a comfortable support, would seem to your committee sufficient ground to grant the relief asked for, and therefore report favorably on the bill, and do ask that it pass.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1371.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7262.]

The Committee on Pensions, to whom was referred the bill (H. R. 7262) granting a pension to Elmina P. Spencer, have examined the same, and report:

The facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 2182) as follows:

The Committee on Invalid Pensions having examined the proofs submitted to it to sustain the right to an increase of pension to Elmina P. Spencer, submit the following facts and circumstances in justification of their favorable action on said bill:

Elmina P. Spencer, in 1862, went out with the One hundred and forty-seventh Regiment New York State Volunteers, as its matron. She joined the regiment at Oswego City, N. Y., on the 27th day of September, 1862, and went with the regiment into active service. She remained with the regiment at Washington, D. C., performing efficient duty as a matron and nurse in the regimental hospital. She administered to the wants of the soldiers who were sick with great energy and untiring zeal until November 31, 1862, when the regiment was ordered to join the Army of the Potomac at Falmouth, Va. Women were not permitted at that time to stay with the regiments at the front. For a little time she was employed as nurse at the Patent Office hospital, Washington, D. C., and then returned to Oswego, N. Y., to gather supplies for the sick of the Army, and was permitted to rejoin the regiment in January, 1863, at Belle Plain, Va. She brought with her at this time a large quantity of supplies, which she had gathered with great labor from those who sympathized with the sick and wounded of the Union Army. She was soon after assigned to duty as matron of the first division hospital, First Army Corps, under A. J. Wood, surgeon, Second Wisconsin Volunteers. She again rejoined her regiment the last of May, 1863, near Falmouth, Va. Here she remained attending to the wants of the sick and wounded with great energy and remarkable devotion until the 12th of June, when the regiment started on the memorable and world-renowned Gettysburg campaign. Here the devotion and heroism of this woman was displayed by her marching with the regiment on this campaign. She took with her supplies for sick and wounded, and she was ever active in encouraging and helping those who needed assistance. She knew no fear; she was never too weary to minister personally to the wants of those who were sick or wounded; she never seemed conscious of weariness; the way was never too long or the roads too muddy for her; she was on the battle-field of Gettysburg, exposed to shot and shell, busy during the whole battle furnishing assistance by way of supplies of food, water, and medicine to the sick and wounded. Her acts of devotion at this one battle places her in the first rank of heroic women of the rebellion. She was agent for the distribution of supplies from the various soldiers' aid societies of New York State. She followed the fortunes of the Union Army through its darkest days. She left home and comforts for the dangers and discomforts of the march and battle-field. Her husband was in the same regiment and died in the service, and on account of his death she now receives a pension of $8 per month. This sum is entirely inadequate for her support, however. She has no child, or home, or property. She is sixty-five years of age, and bowed down with poverty and the racking pains of disease. She cannot, at the most, live long. She is now an object of charity, and

the American people owe it to themselves as well as her that the pension be incr from $8 per month to $20 per month.

Several Grand Army posts, scattered from New York to California, have petit that this relief be granted.

She was injured by being struck with a spent ball at City Point, Va., from th plosion of an ammunition barge, and now suffers from its effects.

The committee recommend that the bill be amended by striking out the "twenty-five," in line four, and inserting the word "twenty" in place thereof. the committee also amend said bill by adding the following words after the "month," in line eight: "said $20 per month being in lieu of all other pen heretofore granted."

The Hon. N. W. Nutting, of the House of Representatives, in a ter addressed to the chairman of your committee says: "Mrs. Spe cannot help herself but little, on account of partial paralysis, ca by shock given her by being hit by a spent ball. She was a n in the Army, and was very efficient, so much so that she attra the favorable notice of General Sheridan. She is now nearly help and has no property whatever. She was at the battle of Gettysb and under fire, carrying water to the wounded. I have the petition many Grand Army posts in her behalf. I have known her since a l No bill is more worthy of attention than this." In view of the los her husband in the service and of her own truly patriotic and he services, and of the wound she herself received in the service, your c mittee think her pension should be increased. Therefore they re the bill and recommend its passage.

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TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1372.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3728.]

The Committee on Pensions, to whom was referred the bill (H. R. 3728) granting a pension to Charles P. Mahan, have examined the same, and report:

The facts in this case are set forth in the report of the Committee on Invalid Pensions of the House of Representatives (H. R. Report No. 871) as follows:

Claimant enlisted August 30, 1862, and served as private in Company C, One hundred and forty-sixth Regiment New York Volunteers, until July 16, 1865, when he was honorably discharged.

He filed application for pension April 3, 1879, alleging that he was injured on the 13th of May, 1864, at Chancellorsville, by a stampede of horses, being knocked down and trampled upon, bruising his leg; afterward a bunch appeared upon the leg, and this continued to increase until removed by surgeon on the 25th day of November, 1878, weighing 10 pounds.

Jerome Seance, a comrade of claimant, knew him in the service; was present when the stampede occurred, May 13, 1864; did not see the injury inflicted, but saw claimant immediately afterward; he complained then of injury; said he was trampled upon; camped with claimant; saw his leg; it was inflamed and swollen. Comrades Goodfellow and Contuntle knew claimant in service; knew he was injured at stampede; did not see injury inflicted; heard of it within a day or two, and knew generally that injury was to thigh, and of the character herein described.

Several neighbors of claimant, residing in the same village with him, knew him from time of his return from the war up to the time the tumor was removed from the thigh, in November, 1878; saw him very frequently; knew he was lame when he returned; heard him say it was caused by injury received in a stampede at Chancellorsville, in May, 1864, and knew he was disabled from performing manual labor.

Colonel Brown, of the Fifty-seventh Regiment New York, resides in the same village with claimant; has known him since his discharge; knew of his lameness and its continuance up to the time of surgical operation; his father was one of the operators; heard claimant describe injury; knew that by reason of injury claimant was disabled from performing manual service. All the witnesses unite in saying that claimant is respectable, worthy, and truthful.

Upon this evidence and personal examination of claimant, the examining surgeon, on the 11th day of August, 1880, reported that, in his opinion, the claimant was permanently incapacitated for manual labor, and that the disability was permanent.

April 8, 1882, the case was referred by Pension Department as follows, viz:

Respectfully referred to W. R. Wood, medical referee, with the request that he state whether, in his opinion, the tumor resulted from the alleged injury, and, if not, whether claimant has been disabled since discharge by reason of said injury or results, the origin of which are not definitely shown.

J. W. MINER.

APRIL 8, 1882.

To which the following reply was made to Judge Walker:

Respectfully returned to Judge Walker. If it is shown to your satisfaction t claimant received an injury in the location of the tumor on right leg, we will hav admit it (the tumor) as the result of said injury.

W. R. WOOD,
Med. Re

APRIL 18, 1882.

The claim was rejected by the Department February 17, 1883, in the following l guage: "Rejected, because claimant cannot prove that the injury or tumor caused while in the service."

Your committee are of the opinion that the evidence of injury is complete. T claimant himself is a worthy and truthful man; the comrades have no interest, a although they did not see the injury inflicted, they were present, and establ the fact that the stampede did occur; they heard the claimant describe the inj immediately after it occurred. One of them saw the limb; it was inflamed swollen. The neighbors describe the appearance after his return. The characte the injury, accompanied as it was with results, after a lapse of fourteen years, re the idea of the claim being a subterfuge or pretense. Wherefore we report favoral and recommend the passage of the bill.

Several affidavits of comrades and neighbors corroborative of t above report have also been filed with the committee, and in view all the facts, the bill is reported with a recommendation that it do pa

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H CONGRESS, } SENATE. { REPORT
2d Session. } { No. 1373.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3605.]

e Committee on Pensions, to whom was referred the bill (H. R. 3605) granting a pension to Eliza Sluss, have examined the same, and report:

The facts in this case are stated in the report of the House Committee n Invalid Pensions (House R. No. 2097), as follows:

Eliza Sluss, the claimant, is the lawful widow of John M. Sluss, deceased, who was aptain of Company A, Third Infantry, Indiana Volunteers, in the war with Mexco, and who was pensioned for injuries received in the line of duty. Said pension earing date of August 14, 1849, at the rate of $13.33⅓ per month. That his pension was suspended in 1850, reinstated, and increased to $20 per month in 1855, and again suspended in 1864. The case was referred to Dr. Hood, medical referee of the Pension Office, in 1874, who went to the home of Captain Sluss, and made a personal examination of the case.

Dr. Hood, after a careful consideration of the evidence and an examination of the physical condition of Captain Sluss, says:

"I declare it to be most unqualifiedly my opinion that wrong was done to Captain Sluss when payment of his pension was suspended. I recommend resumption of payment at the rate paid at date of suspension, for injury to lower part of abdomen and esults. I may be permitted to add that I entertain *no doubt at all* as to the perfect astice of this recommendation, something which I cannot always say."

On this recommendation of the medical referee of the Pension Office, the Hon. olumbus Delano, then Secretary of the Interior, says:

"In view of this opinion I deem it my duty to direct the restoration of Captain uss's name to the pension-roll, and hereby authorize the same to be done. His pen-on will be resumed from the date of suspension in 1864, and at the rate formerly aid."

On this order from the Secretary of the Interior, Captain Sluss's name was again aced on the pension-roll, he being paid for the full time that he was unjustifiably prived of his rights, and he continued to draw a pension of $20 per month until his ath, February 25, 1879. The immediate cause of his death was (in the opinion of . Maxwell, the attendant physician) acute bronchitis.

He says, however, that:

"I have no doubt but that the general debility resulting from the disease for which was drawing a pension, and that, as well as debility from age, were important facs in bringing about the fatal termination."

The claimant, Eliza Sluss, widow aforesaid, is now old and feeble and is in need, d we deem it but just and right that her name be placed on the pension-roll; therefore recommend the passage of the accompanying bill.

In view of all the facts in this case, your committee believe that the eath of the husband of this claimant is in a large degree fairly attributable to the service and disease for which he was pensioned, and therefore recommend the passage of the bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1374.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7256.]

The Committee on Pensions, to whom was referred the bill (H. R. 7256) granting a pension to John A. Vanderhoff, have examined the same, and report:

The facts in this case are briefly stated in the report of the Committee on Pensions of the House of Representatives (H. R. 2006), as follows:

It appears that Mr. Vanderhoff enlisted in Company A, Eighth United States Infantry, December 4, 1837, and was discharged April 20, 1840, to quote a letter from the honorable Commissioner of Pensions to the chairman of this committee—

"On account of loss of portions of five fingers from frost-bite." He claims pension for said disability, and alleges that the same was incurred while on a twenty-four hour leave of absence from the fort at Sackett's Harbor, New York, about January 1, 1840. The claim has been rejected because the soldier was not in the line of duty when the alleged disability was incurred.

The Surgeon-General United States Army furnishes a record of treatment at the post hospital, Madison Barracks, Sackett's Harbor, New York, January 2, 1840, for "frost-bite," but the surgeon of the post, in correspondence with the Surgeon-General, indistinctly recollects that the soldier was intoxicated when the disability was incurred. The soldier denies being intoxicated, and as the evidence on this point is obscure, I am of the opinion that it should not interfere with the soldier's right to pension in view of his long term of service and the time when said service was rendered, and also his present age and disability, and I therefore submit the papers for your consideration.

It being very clear to the committee that Mr. Vanderhoff is entitled to a pension, the bill for his relief is reported back to the House, with the recommendation that it do pass.

It also appears from the papers in the case that the soldier was absent from camp in order to obtain necessaries for the camp. Your committee recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1375.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7822.]

The Committee on Pensions, to whom was referred the bill (H. R. 7822) granting a pension to Mark Spencer Van Loan, have examined the same, and report:

The facts in this case are set forth in the report of the House Committee on Invalid Pensions (House report No. 2408), as follows:

The claimant enlisted in Company K, Eightieth New York Volunteers, as a private, February 26, 1862, and was discharged November 28, 1862. He filed a declaration for pension May 25, 1880, and it was rejected on the ground that the records of the War Department show that the alleged disability (left inguinal hernia) existed prior to enlistment.

The claimant, in his affidavit, alleges that the rupture was caused while on the retreat from Cedar Mountain the day after the battle; that his company, among others, was sent to Cedar Mountain to reinforce some other troops, and upon arriving there ascertained that the Confederates had gone, and that his company was then turned back to go to Rappahannock Station. He was detailed to guard some baggage wagons, and while on a run he stumbled over a stone or rock in the road which was concealed from view by the wagon just ahead, and he fell to the ground. Upon arising he experienced a severe pain in the side, which proved to be a rupture. Upon arriving at Frederick, Md., he told an officer he could go no further; went to the hospital at that place, and was afterwards sent to Capitol Hospital, at Washington, and afterwards transferred to Fort Schuyler, N. Y., where he performed some guard duty. Applied to Robert Barthalo, United States Army surgeon, who examined him, and gave a certificate stating that he found him incapable of performing duty because of a left oblique inguinal hernia. It is on this certificate that the entry appears, "Existed prior to enlistment," which fixes the record in the War Department.

Claimant states emphatically, under oath, that he "never made such a statement, and that it is positively untrue, but that the injury was received at Cedar Mountain. Never saw any of the company officers after that. The only one of my comrades who knew how I was injured was John Young, my tent-mate, who died many years ago." Captain of the company was killed at Gettysburg, and the first lieutenant was afterwards killed. Hence he can get no testimony of officers. Hernia kept growing worse until he got home and used a truss. Is now incapacitated for heavy labor.

Adjutant-General's report states: "January and February, 1862, present." Same report to June 30, 1862. July, August, September, and October, 1862, was absent sick in general hospital. Discharged on surgeon's certificate of disability, November 28, 1862.

Surgeon-General's certificate states: "Entered general hospital, Frederick, Md., September 14, 1862, and was transferred September 24, 1862. Entered Capitol general hospital, Washington, D. C., September 25, 1862 (diagnosis not given), and was transferred, October 7, 1862, to general hospital, Fort Schuyler, N. Y., October 10, 1862, with hernia, and discharged from service November 28, 1862."

Examining Surgeon J. Jewell says that from the evidence before him it is his opinion that the said disability did originate in the service in the line of duty, and that the disability is permanent. Claimant has a left inguinal hernia, and it descends into the scrotum.

Upon the question of prior soundness, the testimony of Horace Barker, captain of a barge on which Van Loan worked during the year 1860, is presented. He says claimant's work was to assist in loading and unloading freight, which consisted of hay, butter, pork, leather, and other produce; that the work was such as to require heavy lifting and hard work, and that claimant was able to and did perform such labor, and that no man with a rupture could have performed such work. There were but three deck-hands on the barge, including Van Loan, who did the heavy work.

Samuel L. Penfield, owner of the barge on which Barker was captain, says, substantially, that claimant was employed by him, and corroborates the evidence of the captain, and that claimant did the work of a sound, able-bodied man; that after his return from the Army he was unable to perform hard work, and has been employed as a flagman at a railroad crossing part of the time during the summer and autumn, and that he has received small pay because of his inability to do hard labor.

Walton Van Loan, brother of claimant, says that nothing was known of the soldier having hernia until his return from the Army.

William L. Du Bois, druggist, testifies to having furnished claimant with a truss several times.

William P. McLawry, M. D., at an examination made January 3, 1885, says that Van Loan has a large inguinal, indirect hernia of one side, easily reducible, but very difficult to retain, even with a strong truss. It incapacitates him from all heavy work, and even a slight cough brought it down in spite of well-directed and pretty firm pressure.

The claimant is very poor; has a family consisting of wife and three children, and oftentimes is obliged to ask aid of the charitable. He is an honest, sober, moral man, willing to work if able. He withheld his application for a pension to a late day for the reason that he had an aversion to appealing for such relief, but his necessities finally compelled him.

The committee think it a deserving case, and believe his disability was incurred in the service, and recommend the passage of the bill.

Hon. J. H. Bagley, of the House, says he has personal knowledge of the case and has "no doubt at all that his disability was received in the service. The parties who testify in his behalf are prominent and reliable citizens. This I know from personal knowledge." Your committee recommend the passage of the bill without amendment.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1376.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6018.]

The Committee on Pensions, to whom was referred the bill (H. R. 6018) granting a pension to George Tapp, have examined the same and report:

The facts in this case are briefly stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1936), as follows:

From the papers presented to your committee we find the petitioner, George Tapp, served honorably in Company B, Eleventh Pennsylvania Infantry Volunteers, from December 11, 1861, to November 21, 1863, and subsequently in the Veteran Reserve Corps.

In the first-named service he received three gunshot wounds, viz: August 28, 1862, a bullet entered his left arm just above the elbow-joint, and he is now, as a result of this wound, unable to extend this arm, but carries it in a horizontal position. On the same date his right fore-arm was pierced by a bullet which cut into the bone and caused sloughing off of an artery, leaving this arm useless where weight is concerned. At Gettysburg, Pa., July 1, 1863, a bullet cut the cord of right testicle in such manner that amputation of the testicle resulted; the same ball continued through the adductor muscles of the thigh. The wounds enumerated have steadily grown worse since they were received, and his left arm is practically useless, as also is his left leg for locomotion, being but a partial prop when placed in position, and it is dragged by a serpentine or semi-circular movement when the claimant tries to move over short distances by aid of a cane in his partially disabled right arm. The loss of testicle has resulted in impotence, and, deserted by his wife, he has for years existed, by means of his pension, in a hut.

Your committee are of the opinion that such disabilities as this officer has received demand that a pension sufficient to relieve him from want or dependence upon others should be granted. We therefore report favorably upon his claim and recommend the passage of bill 6018, granting a pension of $45 per month to said George Tapp, amended by striking out of bill, in line 9, "fifty dollars" and insert "forty-five dollars."

The Commissioner of Pensions says:

This officer [he was a first lieutenant] was pensioned in 1870 at $17 per month, from June 23, 1866, for disability from gunshot wound of left arm, scrotum, testicles, and left thigh [he is now receiving $30 per month], his disability having resulted in total inability to perform manual labor.

It thus appears that claimant was shot in both arms and in one leg, and so wounded as to necessitate the amputation of one testicle. One arm and one leg are practically useless, and the other arm is so injured that he can only move about with a cane with the greatest difficulty.

The existing law permits no higher rate than $30 in such cases, unless the disability renders the claimant totally helpless and requires the constant aid and attendance of another person, in which latter case those who were on the rolls at $50 per month June 16, 1880, now get $72, and those whose disabilities have since increased to this degree now get $50 a month. In the opinion of your committee, the increase to $45 proposed by the bill should be granted in this case. Therefore they recommend the passage of the bill without amendment.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1377.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 882.]

The Committee on Pensions, to whom was referred the bill (S. 882) for the relief of William B. Stokes, have examined the same, and report:

The claimant, William B. Stokes, late colonel Fifth Tennessee Cavalry, was pensioned September 22, 1883, for gunshot wound of left breast, at $22.50 per month, from April 14, 1883, the date of filing his application, as provided by section 2 of the act approved March 3, 1879. His claim for neuralgia was allowed April 8, 1884, since this bill was introduced, and his pension increased to $30 per month.

The bill in this case provides that the claimant be allowed arrears at the rate of pension allowed by the Department from the date of his disability in January, 1863. Your committee have uniformly refused the allowance of arrears by special act; if it is to be done it should be by a general law applicable to all cases of like character.

Your committee therefore report the bill, and recommend that it be indefinitely postponed.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1378.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 358.]

The Committee on Pensions, to whom was referred the bill (S. 358) granting a pension to Thomas E. Brawner, have examined the same, and report:

That it appears from the letter of the Commissioner of Pensions, dated January 14, 1885, addressed to the chairman of this committee, that the claim of this applicant, Thomas E. Brawner, is deemed admissible under the general law, and the certificate will probably be issued in a few days. Your committee therefore report the bill with a recommendation that it be indefinitely postponed.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1379.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 186.]

The Committee on Pensions, to whom was referred the bill (S. 186) granting a pension to Penelope T. Heald, have examined the same, and report:

The claimant, Penelope T. Heald, widow of Henry H. Heald, captain of the schooner Norman, asks by this bill for a pension, the same as if her husband had been a master in the United States Navy. No claim has ever been filed before the Pension Office, and no evidence whatever has been submitted to your committee to support this claim.

Your committee therefore ask to be discharged from the further consideration of this bill, and that it be indefinitely postponed.

48TH CONGRESS, 2d Session. } SENATE. { REPORT. No. 1381.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 725.]

The Committee on Pensions, to whom was referred the bill (S. 725) for the relief of Charles Seymour, have examined the same, and report:

The Commissioner of Pensions states, under date of January 11, 1884, that no claim under the name and service of Charles Seymour, of Flint, Mich., on account of service in the war of 1812, has ever been filed.

No evidence whatever is before your committee to support this bill, and it is therefore recommended that it be indefinitely postponed.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1382.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7709.]

The Committee on Pensions, to whom was referred the bill (H. R. 7709) granting a pension to Louisa A. Estes, has examined the same, and reports:

That the evidence in this case supports the report made in it by the Committee on Invalid Pensions of the House of Representatives, which is as follows, viz:

We find that Louisa A. Estes is the widow of John Estes, late a private in Company E, Seventy-third Regiment Indiana Volunteers, who died February 24, 1881. The claim of the widow for pension was rejected on the ground that his death was not the result of his military service, and the only proof in support of this position is the affidavit of Dr. William B. Davis, who first saw the soldier February 7, seventeen days before he died. Dr. Davis testifies:

"The immediate cause of death was anæmia. The anæmia was due to derangement of the digestive apparatus. This derangement of the digestive apparatus was due to a derangement of the nervous system. The derangement of the nervous system was due to the opium habit."

Dr. Winfrey, late assistant surgeon of volunteers, testifies that he was well acquainted with said soldier for about seven years prior to his death, and was his family physician up to within a short time of his death, and does not remember of ever prescribing opium for said soldier or know of his taking any.

Dr. Ott, a physician in good standing, testifies:

"I attended, as a physician, John Estes, of the town of Wathena, at the time of his death, in said town, on the 25th of February, 1881. In my judgment, the cause of his death was complete prostration of the nervous system, together with some brain affection (the latter, however, not having been proven by a post-mortem examination); said disease being caused by a constant drain upon the system by an injury claimed to have been received during the war."

Aug. Miller, for sixteen years postmaster of Wathena, and for twenty years the druggist of the village, a man of unquestioned integrity, says:

"From September, 1880, until February 25, 1881, I furnished all the medicine he required, and if there was any opium in any of the medicine I do not know it. Mr. Estes, in his life-time, bought all of his medicine of me, and he never bought 5 cents worth of opium of me. Furthermore, he did not look like one addicted to the opium habit, and it is my candid opinion that he was free from that vice, and any one who knows anything about the circumstances of the death of John Estes must admit that it was from the wound received in the Army that he died."

Several neighbors testify that they were intimate with the deceased and never knew him to use opium nor heard of his doing so.

Dr. J. F. Sanders also testifies:

"I was well acquainted with John Estes (deceased), and treated him in the beginning of his last illness. It was a nervous prostration, which he told me at the time he thought came from the wound in his arm. I will also state that I never knew of his taking opium in any form, and *know* he did not take any while I treated him. I did not treat him long; was acquainted with him about a year, and never heard of his using opium till I read it in your (Commissioner's) letter. *I believe it to be false.*"

The soldier received a severe wound in his arm while in battle in October, 1864, which he applied for a pension in 1865, and received it until his death. The exa ining board of surgeons reported the disability equivalent to the loss of the ha Four physicians have testified in this case. All agree that he died from the effe of nervous prostration. Three of them say it was the result of the wound; the ot says it was caused by the use of opium. The village druggist, several of the intim neighbors, his wife, three of the physicians say they never knew or heard of his us opium. The other who saw him for the *first time seventeen days before he died* says disease was caused by opium. The preponderance of evidence is largely against t theory. The widow is left penniless, with a large family of small children.

Your committee, without hesitation, recommend the passage of the bill.

Much of the evidence recited in the foregoing report has been su plied since the action of the Commissioner of Pensions rejecting t case was taken, and clearly overcomes the evidence on which he act

The bill is accordingly reported, with a recommendation that it do pa

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1383.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4833.]

The Committee on Pensions, to whom was referred the bill (H. R. 4833) granting a pension to Louisa Earle, have examined the same, and report:

That an examination of the proofs in this case clearly establishes the correctness of the report made to the House of Representatives by the Committee on Invalid Pensions of that body, which is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4833) granting a pension to Louisa Earle, having considered the same, ask leave to make the following report:

Henry B. Earle, husband of the petitioner, enlisted as a private in Company K, Fourth Minnesota Volunteers, on the 19th of December, 1861, and was discharged January 5, 1865. He died March 26, 1875, of softening of the brain, and it is alleged that this result was due to a sun-stroke, and general debility caused by chronic diarrhea contracted while in the service of the United States in the late war. The widow filed her application for pension April 13, 1876, but it was rejected by the Pension Office, for what cause the committee were unable to discover. The evidence of officers is offered to show the contraction of the disability, and of physicians, who testify to the continuance of the diseases through several years of attendance, and final death from the alleged causes.

Lieut. George Baird testifies that the soldier contracted chronic diarrhea at or near Camp Clear Creek, Mississippi, in May or June, 1862, and at about the same time and place had a sun-stroke, from the effects of which, in deponent's opinion, he never recovered fully. Deponent was personally knowing to the soldier's condition up to the time of his death. He was sent to hospital at Corinth, Miss., and from there was sent to other hospitals, and was never able to do duty with company after these attacks. Deponent's information of the soldier's having been in hospitals other than Corinth is derived from having received official reports of the same.

Lieut. Ira N. Morrill testifies that on or about July 1, 1862, Earle received a sun-stroke while on a march from Camp Creek to Ripley, and in addition had an attack of diarrhea, and was sent to hospital at Corinth, Miss., and was never able after these attacks to do duty with his company.

Dr. O. W. Gibson testifies that the soldier came under his care with an obscure disease of the brain, characterized at times by a total loss of memory and sensibility. He was under deponent's observation nine years, during which time these attacks continued from time to time, increasing in severity until death, March 26, 1875. It was supposed from the first that the exciting cause of his disease was a sun-stroke received while on a march with the Army in Mississippi. The soldier suffered also from chronic diarrhea, which he claimed was contracted in the service, and which was continuous until death. In June, 1869, was first called to treat the soldier, and treated him at divers times during 1869, '70, '71, '72, '73, '74, '75, and until March 26, 1875. At the time deponent commenced treating the soldier, in 1869, he was suffering with chronic diarrhea, complicated with symptoms of brain disease, and that during the years mentioned continued to suffer, until death, with said diseases. Deponent attended the soldier *during his last sickness*, and the immediate cause of death was *general debility resulting from same diseases*, simulating softening of the brain.

Dr. A. Allen testifies that he was the soldier's family physician from 1856 to 1869, and prior to enlistment he was a sound man. When he returned from the Army he was suffering from a complication of diseases. Affiant was frequently called upon, from 1865 to 1869, to treat the soldier for chronic diarrhea, complicated with other diseases.

The postmaster at Oakland, Minn., states that his opinion, and the opinion of others acquainted with the soldier, is that his death was in no way connected with any disease or injuries contracted in the service, and also that the soldier was a hard drinker before entering the service and after coming out, until a short time before his death, when he was forced to quit, but not before he had made a wreck of himself, and died from its effects by softening of the brain.

This is a strange piece of evidence, and the only piece of the kind, and seems to have a taint of maliciousness. In rebuttal of this evidence F. Merchant, jr., John McCarthy, and Asebel H. Bush swear that they were neighbors of the soldier for four years prior to his enlistment, and from the time of his discharge to his death, in 1875, and his personal habits were good for each and every year during their acquaintance, and in their opinion the disease or diseases of which he died were contracted in the service, and were not produced or aggravated in any way by any personal habits of his.

Dr. Gibson, who, in a previous affidavit, testifies to attending the soldier for many years, says that he never knew that the personal habits of the soldier were not good or that he was addicted to intemperance. And Dr. Allen also says that his habits were good with the exception that two or three times in a year he would use liquor too freely.

Regimental Surgeon E. W. Cross says he treated Earle for the diseases of which he complained at Camp Clear Creek, near Corinth, Miss., at various times during the summer of 1862, and at other times after that summer, and not being able to do company duty he was detailed as an ambulance driver.

The committee think that the evidence is conclusive that Earle did contract the disability in the service which resulted in his death, and that the widow should be pensioned. They therefore recommend the passage of the bill.

The testimony of the postmaster at Oakland, above referred to, is expressly discredited by that person in an affidavit made by him in this case on September 29, 1884, in which he swears that—

He came to Oakland in the spring of 1871, from Wisconsin; that previous to 1871 he was not acquainted with one H. B. Earle, late of Company K, Fourth Regiment Minnesota Volunteer Infantry, and never was acquainted with him, and hardly knew him by sight, that at the present time he does not remember furnishing any evidence to the Pension Department about the said Earle. He may have done so. If he did it was through some parties unknown at the present time whom he supposed were reliable at the time.

The brief of the case on which it was rejected in the Pension Office is sufficient to justify its allowance. The bill is accordingly reported with a recommendation that it do pass.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1384.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. SLATER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3352.]

The Committee on Pensions, to whom was referred the bill (H. R. 3352) restoring the name of Warren Sams to the pension-rolls, have examined the same and report as follows:

Warren Sams was duly enlisted, in sound health and body, as a private in Company K, First North Carolina Regiment, in the war with Mexico. He served faithfully until discharged for disability contracted in the service. He was pensioned about 1852 and dropped from the rolls during the war. After the close of the war, and the restoration of peace, he was restored to the pension-rolls. In 1877 a pension agent reported him as disloyal during the war. The soldier is now eighty-seven years of age and was eighty at the time he was last dropped from the rolls of the Pension Office. The pension agent in 1877 took a statement of the soldier, in which he says, "That he was in favor of the Union, but when the rebels and Yankees got to fighting he wanted to see the rebels succeed." Another party states in an affidavit that the soldier was a rebel during the late war.

In 1883 soldier made an application to be restored to the rolls. Several of his neighbors testify that during the war the soldier was loyal and a Union man; that he did nothing to assist the rebellion, but was quiet and inoffensive. They also show that at the time he made his statement to the pension agent, 1877, the soldier was insane, his insanity being of that harmless kind most commonly denoted as second childhood, distinguished by loss of memory and reason.

Dr. Reynolds says in his affidavit that about July, 1875, he first became acquainted with Warren Sams, a pension claimant, * * * and at his acquaintance with said soldier that he noticed that he was quite imbecile; affiant states that he has seen claimant frequently since his first acquaintance with him, and it appears that his mind is entirely destroyed, his reason and recollection entirely absent. This condition is fully corroborated by other witnesses, two of whom appear to have been preachers of the Gospel. Hon. Robert B. Vance, a member of the House, also says in a letter to the Commissioner of Pensions, dated April 10, 1883, "I am well acquainted with Mr. Sams, and have understood for years that his mind was not right."

Your committee think that while the doubts arising from the testimony as to the soldier's loyalty during the late war might well have lead the Commissioner of Pensions to refuse to restore the soldier to the rolls, yet, taking all the circumstances of the case together, your committee are of the opinion that justice will be better served by restoring this imbecile old man to the pension-rolls. Therefore your committee recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1385.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. SLATER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5124.]

The Committee on Pensions, to whom was referred the bill (H. R. 5124) granting a pension to Samuel Z. Cooper, have examined the same, and report as follows:

Samuel Z. Cooper enlisted January 30, 1864, at Chambersburg, Pa., in Company H, Twenty-second Regiment Pennsylvania Cavalry, to serve three years or during the war, and was discharged December 31, 1864, at York, Pa., on surgeon's certificate of total blindness. He was pensioned for total blindness July, 1870. His pension was suspended December 13, 1871, on ground that the disability for which he was pensioned existed prior to enlistment. He has never been restored. The facts as disclosed by the evidence are substantially as follows:

His mother testifies that when a small child he had the measles, which settled in his eyes:

> He would sometimes take cold in his eyes and they would become somewhat inflamed, but this did not happen after he was four years old; the only thing that was ever noticeable after that was a peculiar habit he had of squinting his eyes, particularly if he was subjected to a strong light. I did not consider his eyes affected at all at the time of entering the Army.

She also states that at the time of his enlistment she called the attention of the examining surgeon to the condition of his eyes, and asked him if they were not defective, and that he told her that they were all right.

The surgeon, A. Mandeville, testifies as follows:

> My post-office address is Rochester, N. Y. During the year 1863, and up to January, 1864, I was with the First Battalion Twenty-second Pennsylvania Cavalry Volunteers. My experiences in the service had so thoroughly impressed me with the importance of allowing none but sound men to enter the service, that for the above reason my examinations were rigid and thorough.
>
> I have no record of the names of the men I examined, but I am very positive that if I examined Samuel Z. Cooper, he was a sound and healthy man. I examined every man specially in regard to his eyes, and in no case recommended any one with unhealthy or unsound eyes or defective vision. For the above reasons I am confident that said Cooper had no disease of his eyes when he enlisted in said Twenty-second Regiment Pennsylvania Volunteer Cavalry in January, 1864.

Several witnesses, who knew him before enlistment, say that there was something peculiar about his eyes, that he squinted, but did not know what was the matter with them. Others say that, although he had the habit of squinting his eyes, he was sound and able-bodied when he entered the service. And still others testify that they knew him before the service, *and never knew anything to be the* matter with his eyes.

H. C. Wells, on the 16th day of May, 1872, made affidavit as follows:

I am acquainted with Samuel Z. Cooper, late private in Company H, Twenty-second Regiment Pennsylvania Cavalry; have known him from childhood; knew him when he lived at Chambersburg, Pa.; knew him in 1864 when he enlisted in the volunteer service, and at that time he was in good health, free from blindness, and had no disease of the eyes, and worked regularly on a farm. I am a resident of Chester County, Pennsylvania.

The claimant testifies as to the incurrence of the disability as follows:

I am totally blind. In the spring of 1864, near Martinsburg, W. Va., from the extreme cold and exposure incident to army life, while doing service in Company H, Twenty-second Regiment Pennsylvania Cavalry, I took cold and it settled in my eyes; inflammation set in, and I was sent to hospital in Martinsburg, and shortly afterwards became totally blind. I have not been in the military or naval service since January 1, 1865.

A. A. Abbott, first lieutenant Company H, Twenty-second Regiment Pennsylvania Cavalry, says in his affidavit that—

In the spring of 1864 I was first lieutenant, commanding Company H, Twenty-second Regiment Pennsylvania Volunteer Cavalry. I am acquainted with Samuel Z. Cooper; he was a private in said company, and while in the service of the United States, and in the line of his duty, on or about the month of May, 1864, he contracted a severe cold from exposure by lying out without shelter. The cold fell in his eyes, and some time afterwards he was sent away to United States hospital at Martinsburg, W. Va., and was at the time so blind that he had to be led. I have every reason to believe that when said Cooper enlisted in said service he was a sound man and his sight was good.

It is quite evident that this man was sound enough to pass a more than ordinarily critical examination, as it is shown that the surgeon's attention was called to the condition of his eyes, and the surgeon himself says that he had been accustomed to pay particular attention to the eyes of such soldiers as he was required to examine.

The soldier was more than three months in the service when the disability was incurred, and it is clearly shown by the evidence that it was incurred after severe exposure by sleeping on the ground in cold weather without protection, by reason of which exposure the soldier contracted a severe cold, which settled in his eyes, which became badly inflamed. While therefore it may be true that the soldier's eyes were not wholly sound at enlistment, it cannot be doubted that his blindness is, and was, the direct and immediate result of the exposures and hardships incident to the service. A strict and rigid construction of the law and the evidence would perhaps deny him a pension, but your committee are of the opinion that justice and equity require that he should be restored to the pension-rolls, and therefore recommend the passage of the bill.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1386.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. SLATER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2043.]

The Committee on Pensions, to whom was referred the bill (S. 2043) granting an increase of pension to Maria L. Strong, have examined the same, and report:

Maria L. Strong is the widow of Rear-Admiral James H. Strong. Admiral Strong entered the Navy in 1829; reached the rank of rear-admiral in 1872, and was retired of that rank in 1876, having been forty-seven years from the time of entry into the Navy until he was placed on the retired list. He died November 28, 1882, over seventy years of age. The naval career of Admiral Strong extended over a long period, was in every respect honorable to himself and his country, but your committee fail to find anything in it of such an exceptional character as to warrant an increase of pension to his widow. The only ground that can be urged for such an increase is that Congress has granted like increases to the widows of other rear-admirals, and that there ought to be no invidious distinctions in the bounty of the Government.

The practice of granting increase of pensions to the widows of officers of the Army and Navy of high rank by special acts is to be very greatly deprecated. It destroys uniformity among pensioners of the same grade and rank, floods Congress with petitions, and swells the army of persistent applicants for special favors. The high rate of pensions to the widows of officers in both Army and Navy as fixed in the General Statutes has created much unfriendly comment and criticism, censuring Congress for its favoritism in that it has discriminated against the widows of the common soldier, whose patriotism was as marked and unselfish as his superiors, and whose hardships, sufferings, and privations in the service was even greater than those who held rank and position.

Your committee recommend that the bill be indefinitely postponed.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1387.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. SLATER, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 278.]

The Committee on Pensions, to whom was referred the bill (S. 278) granting a pension to Mary E. McConnell, have examined the same, and report that this case was examined and reported adversely in the Forty-seventh Congress, which report is as follows:

That Mary E. McConnell is the widow of Robert McConnell, who was a private in Company F, Eleventh Regiment Iowa Volunteers, who enlisted September 23, 1861; re-enlisted as a veteran January 1, 1864; mustered out July 15, 1865, with the remark, "absent on furlough since June 24, 1865."

The records of the Surgeon-General's Office show that on August 15, 1864, he was admitted to field hospital for treatment for acute diarrhea and dysentery, and returned to duty August 25, 1864.

Dr. Willis testifies that he was first lieutenant in Company F, Eleventh Regiment Iowa Volunteers, from September, 1861, until September, 1862; that in July, 1863, he was commissioned assistant surgeon of said regiment, which position he held until the close of the war; that in April, 1862, McConnell was attacked with chronic diarrhea, and during all the following summer was unfit for duty; that from and after July, 1863, to the close of the war he was familiar with McConnell and treated him for said disease; that all this time said McConnell was not at any time free from said disease, which had assumed a tuburcular condition, and he was very frequently unfit for duty; that from McConnell's discharge to the time of his death he occasionally saw him but did not treat him, but was satisfied that he was still suffering from the same disease. In this connection it is proper to note that the report of the Adjutant-General makes no mention of McConnell's absence or unfitness for duty prior to August, 1864.

Dr. McClellan testifies that he was McConnell's physician prior to enlistment; that he was in robust health at enlistment, but that when he returned, about July 16, 1865, he was in a condition of great debility and had chronic diarrhea; treated him a short time before he died, but he was only temporarily employed, and his condition remained about the same; he was in such condition that if attacked by any acute disease or inflammation at any time after his discharge it would very probably prove fatal.

Dr. Burroughs testifies that he was called to attend the soldier and found him suffering from effects of blood poison, caused by vitiated and depraved condition of his physical system, which resulted fatally in three or four days.

Benj. J. McConnell testifies that he was a comrade of the soldier; that he became sick in April, 1862, and never fully recovered; was feeble when discharged and never recovered therefrom.

That a few days before his death he received a slight cut in one of his feet, which, on account of the previous condition of his whole physical system, caused something of the nature of erysipelas to set in, which caused his death in two or three days.

It is quite apparent from the foregoing that the cause of McConnell's death did not originate in the service.

To what extent McConnell's enfeebled and diseased condition contributed to aggravate the inflammation which set in by reason of the slight wound of his foot would be impossible to determine; that it did so contribute to some extent is most likely,

but your committee think it would be setting a dangerous precedent to grant a pension upon such grounds. To do so would be to invite applications for pension by dependent relatives upon the death of every soldier, and each case would only furnish fresh evidence of the ingenuity with which facts and theories would be made to do duty in showing that each soldier's death was in some way caused or hastened by the fact that he was once in the military or naval service of the United States.

Your committee recommend that the bill do not pass.

Your committee see no reason to reverse their former report, and therefore again recommend that the bill do not pass.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1388.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 737.]

The Committee on Claims, to whom was referred the bill (H. R. 737) for the relief of Juliet Luf, widow, and the heirs of Henry Luf, deceased, have considered the same and report as follows:

A Senate bill (S. 523) of the same tenor as the bill in question was referred to the committee on the 16th December, 1883, and was reported upon adversely by the committee January 21, 1885, (report No. 1049). While the committee do not recede from the position taken in the report referred to, they report back the House bill without recommendation.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT. No. 1389.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 20, 1885.—Ordered to be printed.

Mr. SEWELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 445.]

The Commtitee on Military Affairs, to whom was referred the bill (H. R. 445) to empower the Secretary of War to permit the establishment, under certain conditions, of a horse railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith, having considered the same, respectfully report:

This bill proposes to grant the right of way to the Davenport and Rock Island Street Railway Company across the Rock Island bridge. This bridge was constructed by the Government and the Chicago, Rock Island and Pacific Railroad Company, but the ownership of the bridge was reserved to the Government, the railroad company to have the right of way in crossing. The bridge is a double structure, with a wagon-road beneath the railroad track. The acts under which it was constructed, and the supplements thereto, reserve the right to the Government, through the Secretary of War, to allow other railroad companies to cross the same, providing it shall not impair the rights granted the Chicago, Rock Island and Pacific Railroad Company.

The committee submit the following letter from the Secretary of War, which appears in House Report No. 671. Also, letter from the Chief of Ordnance, and one from Col. D. W. Flagler, commanding the Rock Island Arsenal:

WAR DEPARTMENT,
Washington City, February 29, 1884.

SIR: Acknowledging the receipt of a letter from Mr. J. H. Cooney, under date of February 8 instant, stating that by your direction he submits a bill (H. R. 445) "to empower the Secretary of War to establish, under certain conditions, a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith," and asking what, if any, are the objections to its passage, I have the honor to inclose to you reports received by me from the commanding officer of the Rock Island Arsenal and from the Chief of Ordnance, to both of which I have the honor to invite your attention. My conclusion, from an examination of these reports, is, that there is no military objection to the passage of the proposed bill, with the amendments indicated upon the copy of the bill which I return, inasmuch as the bill, if amended as suggested, gives the Secretary of War the power to suspend or revoke the privilege granted, and to remove the proposed railway at any time in his discretion. I would respectfully recommend these amendments, if, after consideration of the within reports, the committee shall deem it proper to consider the general subject-matter of the bill with favor. I think it is not impossible that occasions might arise when a suspension or revocation of the privi-

lege by the Secretary of War would be proper for reasons which it might justly be c tended were not based solely upon "the interests of the United States Governmen

I think such suspension or revocation had better be left to the official discretion the Secretary of War, believing that it would not at any time be exercised, except good and sufficient reasons. I think, also, that the Secretary of War should be the fi arbiter as to the proportion of expenses of maintenance and repair of the roadway be borne by the railway company.

I have the honor to be, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of Wa

Hon. JAMES LAIRD, M. C.,
Of Committee on Military Affairs,
House of Representatives, Washington, D. C.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., February 25, 188

SIR: I have the honor to return the bill (H. R. 445) "to empower the Secret of War to establish, under certain conditions, a horse-railway upon and over island of Rock Island, and the bridges erected by the United States connecting cities of Davenport and Rock Island therewith," with letter from the chairman House Committee on Military Affairs asking what objections, if any, there are to passage, and to report.

Inclosed you will please find a report by Lieutenant-Colonel Flagler, commandi Rock Island Arsenal, on said bill, and printed copies of laws and reports and indor ments bearing on the case. (See Ordnance Memoranda No. 20, History of Rock Isla Arsenal.)

It will be noticed that this matter has been before Congress and the authorit during the Forty-second and Forty-third Congresses, and the correspondence is amo the papers herewith.

Lieutenant-Colonel Flagler, in his present report, of 9th February, 1884, opposes passage of this bill for two reasons: 1st. Because the bill "grants to a comp having no claim a franchise to have constructed and operate a street-railway on of the avenues of the arsenal, and on the wagon-roads of its bridges, the vital bu ness arteries of the arsenal," which would result sooner or later in the United Sta being compelled at great cost and with much difficulty to break up the franchise. question the soundness of these views, because it is certainly in the power and wisd of Congress to so frame its legislation as to avoid such difficulties, and the inter of the United States seem to be well guarded in the bill under consideration.

2. Because the laws and guarantee "confers certain rights upon the Chicago, R Island and Pacific Railway Company in regard to carrying passengers on the brid and contemplate "that other railway companies may share the right of way by sh ing the cost of the bridge," "and one of the natural rights consequent thereon wo be the exclusive right to carry passengers thereon;" and *recommends* that the bill submitted to the Attorney-General, and if he decides favorably, that the follow section be added:

"SEC. 4. And provided further, that the Secretary of War shall not autho the construction and operation of said horse-railway without the consent of the C cago, Rock Island and Pacific Railway Company."

Certainly the laws do not in terms confer the "exclusive right to carry passenge on the Chicago, Rock Island and Pacific Railway Company. The act of June 27, 1 grants to the railroad company "a permanent location and right of way on and ac Rock Island." The act of March 2, 1867, provides that it "shall have the righ way over said bridge for all purposes of transit across the island and river," and u guaranteeing certain conditions "the said company shall have the free use of bridge for purposes of transit but without any claim to ownership thereof." joint resolution of July 20, 1868, provides "that the ownership of said bridge sl be and remain in the United States, and the Rock Island and Pacific Railroad C pany shall have the right of way over said bridge for all purposes of transit across island and river;" and upon a full compliance with certain conditions "the said railr company shall have the use of said bridge for the purposes of free transit, but with any claim to the ownership thereof." And the guarantee by the said railroad to fill the conditions required by law, &c., provides for "a permanent location right of way, of a width to be fixed by him (the Secretary of War), with such qu tity of land to be occupied and held by the company for railroad purposes as may necessary for the convenient construction of its track and the passage of its trai and "that the said bridge shall be completed in such manner as to afford a safe *proper crossing* for the railroad trains of said company."

It thus appears that the said railroad is granted a right of way over the island and bridge "for all purposes of transit," and nothing more. It has "no claim to ownership" of the bridge; the ownership "shall; be and remain in the United States." The granting of right of way across the island and bridge to a horse-railway does not in any sense interfere or conflict with the full grant to the railroad, as it does not encroach on the land granted to the railroad for its track, and will cross the bridge on the wagon-road under the railroad track. There is nothing in the laws giving exclusive right to the railroad to carry passengers across, and persons on foot and in vehicles have had free use of the bridge since its erection, without question. Beyond the privileges granted the railroad by express provisions of law, the ownership of the bridge being in the United States, the Government has the *reserved right* to do what it pleases with its own. It is true that a regulation is in force prohibiting railroad freights, including freights shipped to or from points in Iowa over railroads in Illinois, and freights shipped to or from points in Illinois over railroads in Iowa, from being hauled over the wagon-roads of the bridges unless these freights are for the arsenal or the United States (see p. 383 *seq.*, Ordnance Memoranda, No. 20). But the rights and privileges and conveniences of the people should be considered. There is a large population on both sides of the river desiring daily and hourly intercommunication. The railroad with its occasional trains does not meet the demands of the people, nor offer that constant facility of communication which is the life-blood of a community. The horse-railway fills the gap between the railroad and the pedestrian.

But it is suggested that if the horse-railway desires the use of the bridge it should first pay "to the parties then in interest the proportionate cost of said bridge," as required by the joint resolution of July 20, 1868. If the words in this resolution, "any other road or roads," be construed to mean and include horse-railway, then no legislation is necessary, as the Government is empowered to permit it, on the road paying "its proportionate cost of said bridge." It seems to me, however, that the whole tenor and intent of the legislation on this subject had sole reference to railroads using steam-power, and connecting distant points on both sides of the Mississippi River, and have no reference whatever to local interests in this regard, and the requirements of the people for local facilities of travel and transit.

Holding these views, the bill is respectfully submitted for favorable consideration.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The Hon. SECRETARY OF WAR.

ROCK ISLAND ARSENAL, ILLINOIS,
February 9, 1884.

SIR: I have the honor to return herewith the bill now before Congress to grant a franchise to the Davenport and Rock Island Street Railway Company to operate a street railway across the bridges and grounds of this arsenal, submitted to me in your letter of January 30, 1884, with the following remarks:

The title of the bill states it is "to empower the Secretary of War to establish, under certain conditions, a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith," whereas the main features of the bill are those granting a franchise to the Davenport and Rock Island Street Railway Company to operate said railway.

In my judgment, this franchise should not be granted. The objections thereto have been several times stated by me on similar bills introduced in Congress during the past thirteen years. (See History of Rock Island Arsenal, pages 413, 414; indorsement of February 2, 1878, O. O. No. 464, of 1878; letter February 15, 1878, O. O. No. 553, of 1878; letter of July 18, 1881, O. O. 2618, of 1881.)

The principal and very important objection is that of granting *any* franchise or any right to any company or person to occupy or use any portion of the arsenal for purposes other than those for which it has been set aside. This is best shown by the extensive and costly legislation of Congress and various other acts of the Government to remove claims and destroy franchises of every kind and description when the arsenal was located and established. The experience of the Department at other establishments led the Government, when so great and important an establishment was to be built practically for all time, to insist upon complete control, and what was then called perfect "seclusion."

A part of the plan for securing this was to put the establishment on an island, so that nothing or no one could ever encroach, and this has cost the United States about one and a quarter millions for bridges.

The work of satisfying claims and destroying franchises was finally completed by the labors of the Rock Island Commission, and legislation of Congress creating the same and legalizing its conclusions. (See History of Rock Island Arsenal, pages 147

to 159, and pages 162, 163.) Nothing can show more clearly the objections to and dangers of granting new franchises than the long, tedious, painstaking labors of this commission to destroy all claims and franchises, and the great expense to the United States of carrying out and enforcing the recommendations of the Commission.

It is well known that the island had been retained and strenuously held by the United States as a military reservation for some such purpose as its present use in spite of the most persistent efforts of various parties to get a foothold upon it for about sixty years. (See pages 24 to 94, History of Rock Island Arsenal.)

Notwithstanding this, the above Commission recommended, and the United States paid, $237,492.20 to satisfy various claims and to destroy every franchise or possible claim (except two) that could ever be made by any one to any rights of any kind to anything connected with the island.

The thoroughness of this work is well shown by the payment of a considerable sum of money to the city of Rock Island for a claim to what had once been—but was then extinct—a small sand-bar about 300 feet from the shore.

The two exceptions referred to were the claims of the Chicago, Rock Island and Pacific Railway Company, and the Moline Water Power Company. These were settled by contracts, leaving and granting to these companies certain *rights;* the latter of which has cost the United States large sums of money, and has been a source of very serious trouble ever since, and probably always will be.

The other, that is, the guarantee of the Chicago, Rock Island and Pacific Railway Company, shows that the right of way owned by that company across the island was so serious a matter that it had to be destroyed at any expense of legislation and money; yet in doing this a new track for the railway track had to be provided for this company, on an upper deck of a new bridge to be owned by the United States, in order that the United States might thereby obtain for its own railways on the island a railway connection with the railway system of the country. Yet this new track was so located, planned, and constructed on an upper deck of the bridge, and on a high embankment, as to cut it off and set it aside from the arsenal, its grounds and roads, and to reduce any possible objections thereto to a minimum. So far, in consequence of the precautions taken, no annoyance has resulted therefrom; but even if there had, this was an absolute necessity, for, as stated, this track was necessary to the United States for its own purposes. The principle involved is sufficiently shown in the frequent repetition of clauses in the guarantee and acts of Congress (see pages 163 to 168, History of Rock Island Arsenal), prohibiting the railway company from ever having any ownership in the bridge. In the face of all this, it appears to me that it would be extremely unwise for the United States to grant now, to a company having no claim, a franchise to have constructed and operate a street railway on one of the avenues of the arsenal, and on the wagon roads of its bridges, the vital business arteries of the arsenal.

The objections thereto, and difficulties that would arise, are such that, in my judgment, it would result sooner or later in the United States being compelled, at great cost and with much difficulty, to break up the franchise.

I have to state, however, that if such a franchise as this is to be granted at all, then I believe the high character of the gentlemen composing the company which now asks for this valuable privilege gives sufficient warrant that it will be so managed as to serve the interests of the public as much as is possible, and to injure the interests and interfere with the business of the United States as little as possible under the circumstances.

The bill itself is so framed as to guard and protect the interests of the United States as much as is possible in granting such a franchise, and I recommend no changes therein except the following:

1st. Insert in the 5th line of the 1st clause, after the word Illinois, the following words, "and upon the arsenal bridges connecting said island with the cities of Davenport, Ind., and Rock Island, Iowa." I believe this is necessary in order that the bill may accomplish what is intended.

2d. If, as I believe, the title of an act has legal force, I recommend that the following words be added to the title, viz, "and to grant to the Davenport and Rock Island Street Railway Company a franchise to operate the same."

3. In my judgment, a fair construction of the act of Congress, entitled "An act making further provisions for the establishment of an armory and arsenal of construction, deposit, and repair on Rock Island, in the State of Illinois," approved June 27, 1866 (vol. 14, p. 75, U. S. Stats.), of the act entitled, "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," approved March 2, 1867 (vol. 14, p. 485, U. S. Stats.); of the "Joint resolution in relation to the Rock Island bridge," No. 60, approved July 20, 1868 (vol. 15, p. 258, U. S. Stats.), and the guarantee between the United States and that company to enforce said acts; confers certain rights upon the Chicago, Rock Island and Pacific Railway Company in regard to carrying passengers on the bridge. The acts and guarantee contemplate that other railway companies may share the right of way by

aring the cost of the bridge, and that until other companies share the cost, the icago, Rock Island and Pacific Railway Company should own the exclusive right way; and one of the natural rights consequent thereon would be the exclusive ght to carry passengers thereon. No other company has shared the cost, and I doubt hether the United States can justly grant such a franchise as is contained in this ll to construct a horse-railway and carry passengers on the lower deck of the bridge ithout the consent of the railway company. I would, therefore, recommend that e bill be submitted to the Attorney-General of the United States, and if he shall ecide that the construction or operation of said horse-railway as contemplated in e bill will invade or contravene in any way the right of the Chicago, Rock Island nd Pacific Railway Company in said bridge as guaranteed that company in the act f Congress approved June 27, 1866, the act approved March 2, 1867, the joint resolu- ion approved July 20, 1868, and the guarantee between the United States and said ompany based on said acts, then I recommend that the following section be added o the bill:

"SEC. 4. And provided further, that the Secretary of War shall not authorize the onstruction and operation of said horse-railway without the consent of the Chicago, ock Island and Pacific Railway Company."

Very respectfully, your obedient servant,

D. W. FLAGLER,
Lieutenant-Colonel of Ordnance, commanding.

The CHIEF OF ORDNANCE, U. S. A., *Washington, D. C.*

The Chicago, Rock Island and Pacific Railroad Company, through its solicitor, addressed the following letter to the chairman of this committee, under date of December 16, 1884:

CHICAGO, *December* 16, 1885.

DEAR SIR: The bridge over the Mississippi River at Rock Island was built by the nited States at the joint expense of itself and the Chicago, Rock Island and Pa- ific Railroad Company, under contract between that company and the United States, y the terms of which the Government reserved the right to grant to other railway ompanies the right of way over the bridge upon reimbursing both the Government nd the Rock Island Railroad Company one-half the expenses incurred in the con- truction of the bridge. Some two or three years since, a movement was inaugurated t Rock Island and Davenport to secure from Congress the right to construct, main- ain, and operate a horse-railway over the bridge. This was resisted by the railway ompany as an infringement of its rights secured by the contract.

I am informed that the subject was referred to Colonel Flagler, the commandant f the arsenal at Rock Island, and that he reported against the right and expediency f the proposed construction. I do not know that I have seen his report, but assume hat you will find it on file at the War Department. The understanding was finally eached between the company and the promoters of the new street railway, by which was agreed that a certain provision was to be incorporated in the bill. We ssumed that this arrangement was being carried out in good faith until advised that he bill had passed the House without the provision agreed upon.

The reason assigned for dropping it out is that the Chief of Ordnance would not ecognize the right of the railroad company to exercise in any manner any control hatever over the use of the bridge by other railway companies. We assume that e Government of the United States is honorably bound to keep its contract with is company, and see to it that no railway company, horse or other, shall be per- itted to have any right of way over the bridge, without compensation to this com- ny or its consent without compensation, and I wish to respectfully protest against e passage of the bill in its present form.

If the committee of which you are chairman and has charge of the measure should sire further investigation, the officers of the company will cheerfully afford such istance as may be desired.

Truly yours,

THOS. F. WITHROW,
General Solicitor.

Hon. JOHN A. LOGAN,
United States Senate, Washington, D. C.

This railroad company was notified that the committee would have s bill under consideration at a stated date, and invited its appear- ce before the same, but no response was received.

The privilege herein sought by the Davenport and Rock Island Street Railway Company is merely to connect the street railways on each side of the river, between the cities of Rock Island and Davenport, across the bridge, and cannot be construed as an infringement upon the rights of the Chicago, Rock Island and Pacific Railroad Company, as they do not make a business of carrying passengers between the two places named. Even if they were to attempt this, it could not be accomplished, by reason of the fact that their trains do not run frequently enough for that purpose.

The contract between the Chicago, Rock Island and Pacific Railroad Company and the Government, to which the letter of the company refers, and by which the Government reserved the right to grant other railroad companies the right to cross over the bridge upon the reimbursement to both the Government and the Chicago, Rock Island and Pacific Railroad Company of one-half the expense incurred in their construction, referred to railroads of the same class, and not to a road simply requiring the laying of a track on the wagon part of the bridge, and which is but an advanced stage in wagon travel.

The committee are of the opinion that this road is a necessity to the comfort and convenience of the citizens of these cities, and of the employés at the Government arsenal; that it in no way conflicts with the Chicago, Rock Island and Pacific Railroad Company; that the provisions of the bill itself place the proposed street railway company entirely under the jurisdiction of the Secretary of War, who may remove it at any time when it becomes a damage to the bridge, or when the company fails to comply with the rules he may prescribe for its operation.

The committee therefore recommend the passage of the bill.

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CONGRESS, } SENATE. { REPORT
Session. { { No. 1390.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 21, 1885.—Ordered to be printed.

DOLPH, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2087.]

Committee on Claims, to whom was referred the bill (S. 2087) for the ef of Henry Frank, have examined the same, and respectfully report follows:

e claimant presented to the first session of the Forty-eighth Con- s a petition for relief. Accompanying the petition was a bill of culars of his claim, of which the following is a copy:

Statement No. 1.

UNITED STATES OF AMERICA, DR., TO HENRY FRANCK, FOR SUBSISTENCE ADVANCED TO RECRUITED TROOPS AND BOUNTY PAID RECRUITS:

31.	
31. To bounties paid to 117 men, at $2 per man (recruited for Second Regiment Delaware Volunteer Infantry)	$234 00
n June 1 to Aug. 1. For subsistence furnished to 20 men for 60 days, at 40 cents per day	480 00
n June 9 to Aug. 1. For subsistence furnished to 30 men for 52 days, at 40 cents per day	624 00
n June 14 to Aug. 1. For subsistence furnished to 47 men for 45 days, at 40 cents per day	846 00
m June 25 to Aug. 1. For subsistence furnished to 6 men for 35 days, at 40 cents per day	84 00
m July 6 to Aug. 1. For subsistence furnished to 10 men for 20 days, at 40 cents per day	80 00
m July 25 to Aug. 11. For subsistence furnished to 4 men for 6 days, at 40 cents per day	9 60
m July 31 to Aug. 1. For transportation for 117 men, at the rate of 50 cents per man	58 50
m June 1 to Aug. 1. For Henry Franck, board for 60 days, at $1 per day	60 00
m June 1 to Aug. 1. For horse and carriage hire while recruiting	65 00
g. 21. For bounty paid to 128 men, at $2 per man (recruited for Kentucky, afterwards Third Pennsylvania Cavalry)	256 00
g. 1 to Aug. 21. For subsistence furnished to 25 men for 21 days, at 40 cents per day	210 00
g. 6 to Aug. 21. For subsistence furnished to 60 men for 15 days, at 40 cents per day	360 00
g. 11 to Aug. 21. For subsistence furnished to 30 men for 10 days, at 40 cents per day	120 00
g. 17 to Aug. 21. For subsistence furnished to 13 men for 4 days, at 40 cents per day	20 80
g. 11. For transportation for 30 men from Bridgeton, N. J., to Philadelphia, Pa., at $1 per man	30 00
g. 21. For transportation for 128 men from Philadelphia to Camp Park, Washington, D. C., at $2 per man	256 00

Aug. 1 to Aug. 21. Henry Franck, board, at $1 per day, for 21 days	
Aug. 1 to Aug. 21. Henry Franck, for city conveyance while in Philadelphia	
Aug. 21. Henry Franck, transportation from Philadelphia to Washington, D. C	
Aug. 21 to Aug. 31. Henry Franck, board while in Washington, D. C., at $2.50 per day	
Aug. 31. Henry Franck, transportation from Washington, D. C., to Philadelphia	
Oct. 15. Bounty paid 27 men, at $2 per man (recruited for Third Regiment Delaware Volunteer Infantry)	
Oct. 15, 1861, to Feb. 19, 1862. Subsistence for 7 men for 127 days, at 40 cents per day	
Oct. 15, 1861, to May 17, 1862. Henry Franck, board, at $1 per day, 213 days.	
Oct. 15, 1861, to May 17, 1862. Horses' hire and incidentals, &c	
June 1, 1861, to May 17, 1862. Henry Franck, time while recruiting	
Amount	4,
Interest 14 years, at 6 per cent	4,
Amount	9,

Statement No. 2.

THE UNITED STATES OF AMERICA, DR., TO HENRY FRANCK, FOR SUPPLIES FURN THE UNITED STATES ARMY IN 1862.

1862.		
June 10.	75 head cattle, at $50 per head	$3,
July 1.	2 horses, at $150 per horse (Third Regiment Delaware Volunteers)	
July 10.	10 mules, at $125 per mule	1,
July 8.	15 mules, at $130 per mule	1,
July 10.	75 cattle, at $50	3,
July 29.	580 bushels corn, at $1.50 per bushel	
July 8.	125 bushels corn, at 80 cents per bushel	
July 29.	10 tons hay, at $20 per ton	
July 31.	11,250 pounds corned beef, at 12½ cents per pound	1,
July 31.	3,750 pounds corned beef, at 12 cents	
Aug. 13.	15 tons hay, at $20 per ton	
Aug. 13.	75 head cattle, at $50	3,
Aug. 13.	4,475 corned beef, at 12½ cents	
Aug. 31.	10,074 beef, at 14 cents	1,
Aug. 21.	1,810 corned pork, at 12 cents	
July 31.	1,875 corned beef, at 12½ cents (Second Maryland Cavalry)	
July 31.	1,200 pounds corned pork, at 12 cents	
Aug. 31.	3,125 pounds beef, at 14 cents	
Aug. 30.	900 corned pork, at 12 cents	
July 21.	750 corned beef, at 12½ cents (Captain Hampton's Ohio Battery)	
July 31.	500 corned pork, at 12 cents	
Aug. 31.	800 corned beef, at 14 cents	
Aug. 31.	300 corned pork, at 12 cents	
Sept. 15.	75 cattle, at $50	3,
June 24 to Oct. 6.	To Henry Franck, as citizen wagon-master, at $3 a day (Third Regiment Delaware Volunteers)	
	Amount	25,
	Interest 14 years	21,
	Amount	47,

The claim consists of two distinct accounts, one "for subsistenc vanced to recruited troops and bounty paid recruits," and the c "for supplies furnished the United States Army in 1862." For venience these accounts are designated as "Statement No. 1" "Statement No. 2." Attached to this bill of particulars is an affi of the claimant, from which we quote the portion relating to State No. 1, as follows:

1st. In the month of June, A. D. 1861, I, Henry Franck, was authorized and

ssioned by Governor Burton, of the State of Delaware, to recruit men for the Delaare volunteers to serve in the United States Army.

2d. That I did recruit men to the amount and on the dates mentioned in the accomanying bill for the Second Regiment Delaware Volunteers, and that I did subsist the umber of men for the time and at the cost mentioned in the said accompanying bill, nd that the said recruited men by me, the said Henry Franck, were sworn and musered in the said Second Regiment Delaware Volunteers.

3d. Deponent further declares that he was authorized by Colonel Young to recruit men for the regiment known as the Kentucky Cavalry, subsequently changed to the Third Pennsylvania Cavalry.

4th. Deponent further says he did recruit the number of men at the times mentioned in said accompanying bill for the said Third Pennsylvania Cavalry, late the Kentucky Cavalry, and also I did subsist the said men for the time and at the cost therein mentioned, and that the said recruited men were sworn and mustered in the said Kentucky Cavalry, afterward the Third Pennsylvania Cavalry, at Camp Park, near Washington, D. C.

5th. Deponent further declares that he was authorized and did recruit men to the number at the time mentioned in said accompanying bill for the Third Regiment Delaware Volunteers, and did subsist said men for the time and at the cost therein mentioned, and that the said recruited men were sworn and mustered in and accepted by the Third Regiment Delaware Volunteers aforesaid, at Camp Fisher, near Camden, Del.

6th. Deponent further says that he did pay all the said recruited men a bounty as stated in said attached bill, the said bounty being in gold.

7th. Deponent further declares that he never has received any pay from the United States Government either for his services while recruiting, for the subsistence furnished to the men, or for the expense of recruiting or bounty paid said recruits.

Statement No. 1 of the account was referred by the committee to the Third Auditor of the Treasury, with request for such information in relation thereto as could be obtained from the records of the Department, and the communication of the committee accompanying the same was returned with the following indorsement:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
January 28, 1885.

Respectfully returned to the Hon. J. N. Dolph, of Senate Committee on Claims, with the information that no claim has been presented to this office by Henry Franck for the expenses alleged to have been incurred by him on account of the Second and Third Regiments Delaware Volunteers, and also for Third Pennsylvania Volunteer Cavalry, in 1861.

It would appear from the nature of the expenses that he should present his claims to the State of Delaware for payment, and the State, under act of July 27, 1861, "to refund to States," should, after paying the same on proper vouchers, present the same to the Secretary of the Treasury for reimbursement.

If the vouchers were lost, as alleged, he should obtain duplicates showing to whom paid and the amounts he actually paid, and the receipts of the parties paid should be furnished as evidence to substantiate his declaration.

The State of Delaware presented a claim for expenses incurred in raising the First Regiment, but has presented no claim for expenses on account of the Second and Third Regiments. And it appears from the affidavit of claimant that he was acting under authority of Governor Burton; if so, he should present his claim to the State, and the State present the same to the United States for reimbursement

Similar expenses incurred by the States have been presented under the above-mentioned act, and when proper vouchers and evidence substantiating the same were filed the United States has reimbursed the States.

E. W. KEIGHTLEY, *Auditor.*

Accompanying the petition are the affidavits of several persons, some of them relating to the credibility of the claimant and others in support of the claim.

The statements contained in these affidavits are very general in their character. The most important is that of Edmund Townsend, late first lieutenant and regimental quartermaster of the Third Regiment of Delaware Volunteer Infantry, of which the following is a copy:

[Inclosure C.]

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

Before me, the prothonotary of the court of common pleas of the county of Phi delphia, personally appeared Edmund Townsend, late first lieutenant and regimen quartermaster of Third Regiment Delaware Volunteer Infantry in United States Arm and now a citizen of Cecil County, Maryland, late of Philadelphia, Pa., who, bei duly sworn according to law, doth depose and say: I am personally acquainted w Henry Franck, late citizen wagon-master in the Third Regiment Delaware Volu teers, and now a resident of Philadelphia, Pa., and has been for sixteen years befo the war. I know that the said Henry Franck did subsist a large number of men f Companies E, F, and H of the Third Regiment Delaware Volunteers, and I, the sa Edmund Townsend, being regimental quartermaster, received all recruits sent to t Camp Fisher, near Camden, Del., from November, A. D. 1861, to May, A. D. 1862. D ponent further says: I gave the said Henry Franck charge of the quartermaster's a commissary wagons and stores when the regiment aforesaid left Camp Fisher, whi was in the middle of May, A. D. 1862, by order of Col. William O. Redden, and t said Henry Franck continued in charge of the said wagons and stores until the 24 day of June, A. D. 1862, when the said wagons and stores rejoined the said regime at Cedar Creek; and the said Henry Franck was by me, the said Edmund Townsen appointed citizen wagon-master at Cedar Creek, on the said 24th day of June, A. 1862, and the said appointment was confirmed by Col. William O. Redden. I ponent further says: I personally know that the said Henry Franck did subsist hims while he was wagon-master, and the said Henry Franck did not receive any pay his time from the United States Government, to the best of my knowledge and beli Deponent further says that during the months of July and August, A. D. 1862, t said Henry Franck did furnish the said Third Delaware Volunteers, Hampton's Ol Battery, and two companies of the Maryland cavalry with a large quantity of h grain, beef, cattle, pork and bacon, horses, and mules, for which I gave him, the s Henry Franck, proper vouchers. I, the said Edmund Townsend, was acting brig and post quartermaster at and near Front Royal in the months of July and August D. 1862. And deponent further says that the said Henry Franck gave me all of his pa and vouchers to take care of and to be forwarded to Alexandria, Va., together w all his clothing and other effects, of which papers and vouchers, &c., I took packed in a large goods box, with my quartermaster's and other vouchers and pa together with the vouchers that Captain Smith, corps commissary, gave him f large amount of supplies. I secured them all safe and gave them over to Cap Smith, acting commissary of subsistence, and effects. Corporal Simmons, of our Th Delaware Volunteers, was one of the men that assisted in helping to load the bo the car. Deponent further says that the wagon that belonged to the Third Regim Delaware Volunteers, except staff wagon, was ordered to be unloaded of all incu brance and to be loaded with ammunition and go to the front. The cause was of t said Henry Franck to turn over all his papers, vouchers, and clothing to me to loaded in the car and sent with all of our papers and vouchers to Alexandria, V Deponent further declares and says that the car, with all the papers, vouchers, clo ing, &c., together with all the other cars, were burned at or near Bristow Station or about the 1st day of September, A. D. 1862, by order of Maj. Gen. N. P. Ban commander of the Twelfth Army Corps, to Captain Smith, corps commissary.

Deponent further says and declares, to the best of his knowledge personal, that said Henry Franck had a large sum of money in his possession. He frequently ga me several thousand dollars to take care of for him for a short time. After the c were burned that Sunday, the first time I saw or met him after the cars were burn he seemed very low-spirited, and said to me, "You men have ruined me, for all I h left in this world was burned up in them cars. My vouchers and papers now all go I am now left to go home a beggar."

Deponent further declares that I have no interest in any claim or claims that said Henry Franck may have against the United States Government.

EDMUND TOWNSEND,
Near Chesapeake City, Cecil County, Md

Affirmed to before me this 10th day of June, A. D. 1882.

F. H. SMITH
Per P.

We quote the following relating to Statement No. 2 from claiman said petition:

6. About the 10th of June, 1862, your petitioner began the furnishing of suppl to the United States Army, and continued this until October 6, 1862, when he, hav been severely ruptured at Cedar Creek, Va., and having spent an independent

tune in behalf of the United States, returned to Philadelphia, Pa., never having received one cent from the Government.

7. Your petitioner, in doing this, acted from motives of patriotism, and in accordance with what he considered his duty to his country, and did not count the cost, but was careful to spend his money in such a way as he deemed would be most valuable and useful to the Government, and he did not spend one cent where it was not absolutely necessary. At the same time, your petitioner was duly assured that his money would one day be returned to him, and that he would be amply paid for his valuable services.

8. Your petitioner had vouchers and receipts for money and supplies furnished to the United States to the amount of $40,000, and they, with the quartermaster's (Edmund Townsend's) papers, were placed in the train of cars near Warrenton Junction, Va., between Bristol and Warrenton, to be transported on retreat, and the bridge was burned by the enemy, and General Banks ordered the train to be set on fire to keep it from falling into the hands of the rebels. This order was carried out, and thus it was that your petitioner lost the papers that he had so carefully preserved. The train was burned at the time of the second battle of Bull Run.

9. From the 24th of June, 1862, until the 6th of the ensuing October your petitioner served as a citizen wagon-master, as shown in the testimony herewith filed, and for which service he has never been paid.

10. Your petitioner was duly authorized to recruit and subsist men, as is shown by the evidence, and was requested and called upon to do all that he could to aid the Union.

11. At the time he began his services to the United States your petitioner had, in cash money, at least $45,000, and all of this, except about $2,000, was spent in subsisting, recruiting, transporting, and paying bounties to men for the volunteer service of the United States Army, and in furnishing supplies for the said Army.

12. Your petitioner has never been paid any part or parcel of the money expended by him, but has heretofore applied to Congress for relief; but your petitioner has never pressed the matter; and one reason why he has not done so is because he has been repeatedly told that Congress would not pass an act for the relief of a man who had lost his vouchers; and he has also been told by lawyers, members of Congress, and others, whom he believed, that relief by act of Congress would be exceedingly doubtful and uncertain; that he would meet with obstacles and delays at every step, and that if Congress should grant relief it would be inadequate, as it had been the custom of Congress to allow a much less amount than that claimed.

Your petitioner was also repeatedly told that one of these days all such claims would be referred to the Court of Claims, there to be settled upon their merits, and that he could then bring suit and recover the full amount.

Statement No. 2 was referred to the honorable Secretary of War, with request for such information concerning the same as could be obtained from the records of the Department, and the following letter, with accompanying correspondence, was received from him in response thereto:

WAR DEPARTMENT,
Washington City, February 19, 1885.

SIR: In reply to your communication of the 22d ultimo, transmitting papers in the claim of Henry Franck for quartermaster and commissary stores alleged to have been furnished the United States Army in 1862, also for services as wagon-master in that year, and interest on the claim, the whole amounting to $47,013.36, I have the honor to inclose copies of the reports thereon from the Quartermaster-General, Commissary-General, and Third Auditor of the Treasury.

Without discussing the merits of this claim, it seems remarkable that when Mr. Franck, in February, 1869, presented a claim based on the loss of alleged vouchers for thirty horses furnished by him in August, 1862, he did not intimate that he had any other claim against the United States; and it is also strange that in the testimony of himself and the regimental quartermaster, Townsend, in which were set out with great particularity and minuteness the history of the vouchers for thirty horses—of their being deposited by Franck with said regimental quartermaster for safe-keeping; of their being placed in the commissary warehouse (in the regimental quartermaster's desk); of the commissary loading all the contents of the warehouse upon the train, and the burning of the train, with all its contents, at Bristow Station—neither Franck nor Townsend gave any intimation of the issuing to him by this same regimental quartermaster of other vouchers in such large sums, and that such other vouchers were deposited with said regimental quartermaster for safe-keeping at the same time as the vouchers for horses, and shared the same fate as those vouchers.

The sum of $3,600 was paid for the horses upon Treasury settlement No. 6026 of 1871, and the very large claim now pending before Congress seems to have been an afterthought of many years. It has an air of gross improbability, and it is not to be readily

believed that a regimental wagon-master was carrying with him private funds adequate to the purchases alleged; nor do I understand how he could have at his command facilities for purchasing, transporting, and supplying stores upon such a scale if the proper departments of the Army whose business it was to keep the Army supplied were unable, with the immense facilities at their command, to have furnished all necessary stores to those commands.

The papers received with your letter are also herewith returned.

Very respectfully,

ROBERT T. LINCOLN,
Secretary of War.

Hon. J. N. DOLPH,
Of Committee on Claims, Senate.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 29, 1885.

Respectfully returned to the honorable the Secretary of War.

An examination of the records of this office fails to furnish any information concerning this claim except the following, viz: In February, 1864, a claim in favor of Henry Frank for value of 30 horses captured by the enemy in August, 1862, while in the service of the United States between Winchester and Front Royal, Va., amounting to $3,600, was forwarded to this office by the Third Auditor for report, and was allowed by Treasury settlement No. 6026, dated April 18, 1871. A claim in favor of Henry Frank for services as wagon-master from June 24 to October 6, 1862, at $40 per month, amounting to $136, certified to by Lieut. Edmund Townsend, regimental quartermaster Third Delaware Volunteers, was forwarded to this office by the Third Auditor in March, 1863, and returned to that officer March 30, 1863, with information that the employment of a civilian wagon-master for a regiment was unauthorized. This claim does not seem to have been paid, and the papers in the case are believed to be on file in the Third Auditor's Office.

The claimant's name is borne on the No. 2 reports of Lieut. Edmund Townsend, regimental quartermaster Third Delaware Volunteers, from June 24 to October 6, 1862, as a wagon-master, at $40 per month, amounting to $135.74; not checked as paid.

All the items in this claim except those checked in red ink pertain to the Subsistence Department.

If, as stated by Mr. Townsend in his affidavit inclosed, he gave vouchers to the claimant for the horses, mules, and forage charged for herein, this property should appear in his accounts and returns on file in the Third Auditor's Office, which accounts, with those of the quartermasters of the brigades, divisions, and corps to which the Third Delaware Volunteers belonged, should be examined for record of payment.

S. B. HOLABIRD,
Quartermaster-General United States Army.

WAR DEPARTMENT,
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Washington, D. C., February 3, 1885.

Respectfully returned to the honorable Secretary of War, with report that the records do not show the receipt at this office of any claim in favor of Henry Frank (or Franck) for subsistence stores, nor is the case shown by these papers one that could have been considered under section 3, act of July 4, 1864, as that law prohibits the examination by the Commissary-General of Subsistence of any claim arising, as did this, in Virginia, a State declared in insurrection. The claim would probably have been cognizable by the Southern Claims Commission appointed under the act of March, 3, 1871.

R. MACFEELY,
Commissary-General of Subsistence.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
February 18, 1885.

Respectfully returned to the honorable Secretary of War. The records of this office fail to disclose anything in relation to the transaction referred to in the statement of account of Henry Frank marked "Inclosure A," except as to the item of services as assistant wagon-master from June 24, 1862, to October 6, 1862, for which a claim was filed January 21, 1863, and the papers returned to the claimant, at his request, May 15 1863.

If the supplies enumerated in Schedule A were furnished the United States at the request of any authorized purchasing officer or agent, the property has undoubtedly been accounted for by such officer or agent on his property returns rendered in accordance with the requirements of law.

Claimant should therefore state by name to whom he furnished each item in the schedule, if a verification of the account by the records on file in this office is desired.

He should also state specifically by whom the vouchers were issued to which he refers in the eighth paragraph of Inclosure B, amounting to $40,000; the items of property borne upon said vouchers; when they were issued to him, and whether they had been presented for payment at any time. A search of the returns on file of all officers mentioned or in any way indicated as having anything to do with the transaction has been made. I inclose letters of this office of January 18, 1883, to Hon. A. Cameron, and January 28, 1885, to Hon. J. N. Dolph, bearing upon the claim of Henry Franck.

E. W. KEIGHTLEY, *Auditor.*

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., January 18, 1883.

Respectfully returned to the Hon. Angus Cameron, chairman of the Committee on Claims, with the information that the records of this office fail to show any claim presented by the State in the name of Henry Frank, recruiting expenses on account of Pennsylvania Volunteers in 1861 and 1862.

Under the act of Congress approved July 27, 1861, this class of expenses should be presented to the State for payment, and the State should present the same to the accounting officers of the Treasury for reimbursement, under said act of July 27, 1861, and if a proper expense for the United States to pay, and the claim substantiated by proper evidence, the same would be allowed the State.

The State of Pennsylvania has presented many claims of this kind and has been reimbursed by the United States.

This office cannot report specially in relation to this claim without an itemized account being presented for examination.

E. W. KEIGHTLEY, *Auditor.*

WAR DEPARTMENT,
Washington City, January 13, 1883.

SIR: Referring to your communication of the 4th instant, requesting information concerning Senate bill 1741, for the relief of Henry Frank, of Philadelphia, Pa., for recruiting, &c., volunteers in 1861-'62, and also asking if the State of Pennsylvania has been allowed such claims, I have the honor to inform you that the Adjutant-General reports upon the case as follows:

"The records of this office fail to show that any previous claim in his favor has been presented to or acted on by this Department. As the bill does not designate the particular organizations for which the alleged expenses were incurred, or indicate whether said expenses were prior or subsequent to muster into the United States service, and as none of the papers now before the Senate Committee on Claims have ever been submitted to this office for examination, no more definite information can be furnished.

"The United States has heretofore made several settlements with the State of Pennsylvania on account of claims of this character; but whether any claim in favor of the party named in the accompanying bill has been included therein or not can only be ascertained by reference to the Third Auditor of the Treasury."

Your communication has therefore been referred to the Third Auditor of the Treasury.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. ANGUS CAMERON,
Chairman Committee on Claims, Senate.

Your committee are of the opinion that if any services were rendered or money expended by the claimant in recruiting, subsisting, and paying bounty to troops, as set forth in Statement No. 1 of his account, for which he has not been fully paid and reimbursed, such services and payments were voluntary and intended to be gratuitous. At all events, the services do not appear to have been rendered or the expenditures

made *for the United States*, and the claimant has no just demand against the United States on account thereof.

The evidence in support of that part of the claim embraced in Statement No. 2 is not satisfactory either as to the amount, character, and value of the supplies alleged to have been furnished by claimant, the description of the vouchers alleged to have been issued to him therefor, the circumstances of their loss, or to explain the long delay of the claimant in presenting his claim for payment.

The character of this claim is left in doubt by the proof. The claimant, by his own testimony, appears to have been, at the time the supplies were furnished, a wagon-master in the United States Army. He was not a resident of Virginia, but was temporarily in that State. He is not shown to have possessed property in that State which was taken by the officers of the United States Army without his consent.

On the contrary, the evidence tends to show that if the supplies were furnished at all, they were furnished under contract. If the claim is founded on an express contract for the furnishing of supplies for the Army by the claimant, made with the proper agent of the Government, within the scope of his authority, it should have been paid at the time by the officer making the purchase. No legislation was necessary to provide for its settlement. If not paid by the officer making the purchase, it might have been audited by the auditing officers of the Government under the then existing laws; and if the proper officers of the Government had refused to audit and pay it, the Court of Claims had jurisdiction of the matter, and the claimant might have brought his suit in that court.

If, however, the case is one of an appropriation by the officers of the Army, and not of an ordinary contract between the Government agents and the claimant, the claim might have been submitted to the Quartermaster-General and Commissary-General of the United States, with such proof as the claimant was able to furnish under the act of July 4, 1864, at any time previous to the passage of the act of February 21, 1867.

Section 2 of said act of July 4, 1864, provided—

> That all claims of loyal citizens, in States not in rebellion, for quartermaster's stores actually furnished to the Army of the United States, and receipted for by the proper officer receiving the same, * * * may be submitted to the Quartermaster-General of the United States, accompanied with such proofs as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster-General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received, * * * then to report each case to the Third Auditor of the Treasury, with a recommendation for settlement.

And section 3 in like manner provided for the submission of claims of loyal citizens in non-insurrectionary States for subsistence actually furnished to the United States Army and receipted for, &c., for like examination and recommendation.

The rules and regulations established by the Quartermaster-General and Commissary-General of Subsistence, and approved by the Secretary of War, contain the following article:

> 1. When quartermaster's stores or subsistence supplies have been taken by officers and receipted for, all of such receipts or vouchers must be filed, or their absence, in any case, must be fully and satisfactorily explained by proper evidence.

It will appear from the above that if this claim had been presented to the Quartermaster-General and Commissary-General of Subsistence for examination, the loss of claimant's vouchers might have been shown and their contents proved by secondary evidence.

The act of February 21, 1867 (vol. 14, Stats. at Large, p. 397), provides that the act of July 4, 1864—

Shall not be construed to authorize the settlement of any claims for supplies * * * furnished for the use * * * of the Armies of the United States * * * where such claim originated during the war for the suppression of the rebellion in a State or part of a State declared in insurrection by the proclamation of the President of the United States dated July 1, 1862, or in a State which by an ordinance of secession attempted to withdraw from the United States Government.

After the passage of this act, as the claim originated in a State embraced within the said proclamation, the claim could not have been submitted to the Quartermaster-General or Commissary-General of Subsistence under the act of July 4, 1864.

The claimant could also have had relief before the Southern Claims Commission. The jurisdiction conferred upon that Board is as follows:

To receive, examine, and consider the justice and validity of such claims as shall be brought before them of those citizens who remained loyal adherents to the cause and the Government of the United States during the war, *for stores or supplies taken or furnished during the rebellion* for the use of the Army of the United States in States proclaimed as in insurrection against the United States, including the use and loss of vessels or boats while employed in the military service of the United States. (16 Stats. at Large, ch. 116, sec. 2, p. 524.)

There is greater necessity for applying a limitation in favor of the Government in most cases than between individual citizens. The officers of the Government who may be cognizant of the facts relating to a claim are frequently changed. Officers of the Government, as a rule, do not exercise the same vigilance for the protection of the public interest as the private citizens do in protecting theirs. Claims are presented to Congress and to the Departments and audited and paid upon *ex parte* affidavits, a very unsatisfactory method of ascertaining the facts, especially after the lapse of years.

The account given of the transactions out of which this portion of the claim arose is improbable. There are also circumstances connected with the claim which cast suspicion upon it, among which may be mentioned the fact that although the account runs from June 10 to September 15, 1862, no payment appears to have been made upon it; the fact that the receipt of the supplies was not reported by the regimental quartermaster in his official reports; the fact that such a transaction was at variance with the provisions of law and the practice of the War Department under which supplies were at the time purchased for the Army; the fact that in the claimant's present account a charge is made for services as citizen wagon-master at the rate of $3 per day, amounting to $312, while in an account presented to the Treasury Department the claim was for compensation at an agreed monthly salary of $40, amounting to $136; the fact that the claimant presented to the Department, in February, 1869, a claim for thirty horses furnished by him in August, 1862, and captured by the Confederate forces in Virginia in August, 1862, supported by the affidavit of Lieutenant Townsend, the principal witness in support of the present claim, which was allowed and the sum of $3,600 paid to him; and the further fact that one Charles H. Frank, who is stated to be a son of the claimant, and who was a private in Company H, Third Regiment Delaware Volunteers, from March 3, 1862, until May 28, 1863, as early as the Forty-third Congress, presented a claim to Congress for the sum of $13,600 for money advanced and paid by him for the subsistence of recruits for said regiment, while the claim under consideration was never pre-

sented to the Departments, and was not presented to Congress unti more than twenty years after it is alleged to have accrued.

The claimant having had an opportunity to submit his claim to a com petent tribunal, and the claim being now barred by the statute of limi tations, your committee report the bill back and recommend that it dc not pass.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1391.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1885.—Ordered to be printed.

Mr. INGALLS, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill S. 2655.]

The Committee on the Judiciary, to whom was referred on the 4th instant a pending resolution in the following words:

Resolved, That the Committee on the District of Columbia is hereby instructed to inquire and report to the Senate whether any proceedings of a legal nature have been taken to annul a certain United States land patent claimed to have been granted to a portion of the Potomac River bottom opposite the city of Washington and which the Government has been improving since 1882, whether the interests of the United States are likely to suffer by raising that portion above tide-level before said patent shall have been annulled, and what legislation, if any, is necessary for the protection of the interests of the United States in this matter; and for this purpose said committee is authorized to send for persons and papers and to administer oaths and take such testimony as may be necessary—

respectfully report:

The resolution above recited not having been adopted by the Senate, and only referred to this committee, it is not perfectly clear what action thereon by this committee is appropriate, further than to report that in its opinion an inquiry into the subject mentioned in the resolution is extremely desirable.

The committee, however, think it not improper to state briefly the situation of the subject-matter of the resolution, so far as it has been able to obtain information thereon.

By the act of Congress of the 19th of July, 1790 (First Congress, second session, chap. 28), the United States accepted the territory now comprising the District of Columbia, with that on the south side of the Potomac ceded by Virginia, as the seat of the Government under the Constitution, and provided (so far as it respects the present District of Columbia) that the laws of Maryland should continue to be in force until Congress should otherwise by law provide. It provided that the President should appoint commissioners, who, under his direction, should survey and, by proper metes and bounds, define the District, and made further provisions in respect of details. Afterwards, and on the the President, by an order or proclamation, seems to have defined the boundaries of the city (afterwards called Washington) to be established within the limits of said District.

Afterwards, on the 19th December, 1791, the legislature of Maryland passed its act of definitive cession of so much of the District as was within its jurisdiction, and in the preamble of said act recited—

That the President of the United States directed a city to be laid out, comprehending all the lands beginning on the east side of Rock Creek, at a stone standing in the

middle of the road leading from Georgetown to Bladensburg; thence along the middle of said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of 61 degrees and 20 minutes with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch Ferry; then south to a stone 80 poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east, parallel to the said east and west line, to the Eastern Branch; then with the waters of the Eastern Branch, Potomack River, and Rock Creek to the beginning; which hath since been called the city of Washington. (Chap. 45.)

A city was accordingly laid out by these commissioners pursuant to said order, and a map of the same prepared. The committee are of opinion that the above-mentioned boundaries of this city did, under the circumstances, extend down the center of the Eastern Branch to the main channel of the Potomac River, and up the main channel of the Potomac River to the mouth of Rock Creek, and up the center of Rock Creek to the starting point of the survey of the city; so that the Potomac Flats, so called, as they are understood by the committee to exist, would fall within the limits of the city of Washington.

In the year 1839 Congress passed a law (Stats., vol. 5, p. 365) providing that the acts of the State of Maryland for securing titles to vacant land should be considered in force and executed, "as regards lands in the county of Washington and without the limits of the city of Washington, by the Secretary of the Treasury, through the General Land Office," and provided for regulations, &c., by the Secretary of the Treasury, and provided further—

That any land which may have been ceded to or acquired by the United States for public purposes should not be affected by such acts.

The laws of Maryland supposed to have been put in force by the last-mentioned and previous acts of Congress were those of November, 1781 (chap. 20), the fourth section of which provided—

That either of the treasurers may grant orders or titlings to the register of the land office of their respective shore for common warrants to take up vacant uncultivated land, or for special warrants to take up cultivated or improved vacant land, on the payment of three shillings and six pence current money per acre.

The history of the private claim called the Kidwell claim to a part of these Potomac Flats appears in the papers herewith returned, marked A.

It will be seen that the act of Congress excluded land in the city, and the proviso hereinbefore mentioned excluded from its operation any land which had been ceded to or acquired by the United States for public purposes. It appears from the foregoing that three questions will arise:

First. Whether the Potomac Flats are within the city of Washington. If they are, there will be an end to the Kidwell patent. If they are not—

Second. Whether the river front was not ceded to and acquired by the United States for public purposes. If this question be answered in the affirmative, the Kidwell patent is invalid; and if not—

Third. Whether the Kidwell patent applied to property within the true intent and meaning of the land acts of Maryland and of the regulations of the Secretary of the Treasury on the subject. This will depend upon whether the Kidwell patent was located upon what may in general terms be styled agricultural land. This of course is a questio of fact. All the information the committee now have tends to sho that the area embraced in the Kidwell patent was not the kind of la covered by the Maryland act. If this turn out to be so, the patent w be invalid for this reason.

Besides the claim under the Kidwell patent, the Chesapeake and O Canal Company, through its counsel, has informed the committee t

aims riparian and perhaps other rights within the territory referred ı the resolution. How far such claim is well founded the committee ɜ not had time to consider.

appears from a report of the Secretary of War that there has been ady expended up to the 1st of February, 1885, in the improvement of e flats and the river the sum of $440,669.70, and that there still re- ns appropriated for these purposes the sum of $453,330.22.

, appears that the only steps so far taken under the provisions of act of the 2d of August, 1882 (Forty-seventh Congress, first session, p. 375), requiring the Attorney-General to examine all claims of title he premises and to see that the rights of the Government in all ɔects are secured and protected, and if necessary to bring suits inst claimants to set aside any illegal or improper patents, have n that on the 20th of January, 1885, the Attorney-General directed district attorney for this District to bring a suit to set aside the lwell patent, under which direction no steps have so far been taken. n this state of things the committee recommend the passage of the herewith reported.

undry papers and correspondence relating to the subject are here- h returned.

ll of which is respectfully submitted.

Letter of Secretary of the Interior to the chairman of the Judiciary Committee ıe Senate, 18th February, 1885, transmitting report and papers of Commissioner ıe General Land Office touching the subject.

Letter of C. I. M. Gwinn, counsel of Chesapeake and Ohio Canal Company, to rman of the Committee on the Judiciary of the Senate, of 17th February, 1885.

Telegram of Secretary of War to chairman of Committee on the Judiciary of the te, of 18th February, 1885.

Letter of the Attorney-General of the United States to the chairman of the mittee on the Judiciary of the Senate, 18th February, 1885, transmitting copy of etter of instructions of 28th January, 1885, to the United States district attorney he District of Columbia.

A.

DEPARTMENT OF THE INTERIOR,
Washington, February 18, 1885.

R: Your letter of the 12th instant, calling for information concerning a patent ands (issued to Kidwell or others) situate in the District of Columbia commonly d the Potomac Flats, was received and referred to the Commissioner of the Gen- Land Office. I have the honor to transmit herewith copy of his report on the ect, of this date, together with the accompanying papers.

Very respectfully,

H. M. TELLER,
Secretary.

on. GEORGE F. EDMUNDS,
Chairman Senate Committee on the Judiciary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 18, 1885.

R: I am in receipt, by your reference of the 13th instant, of a letter from Hon. rge F. Edmunds, chairman Committee on the Judiciary, United States Senate, d 12th instant, requesting to be furnished with all information in the possession his Department "concerning a patent or other title papers issued to one Kidwell,

or any other person, covering any part of the land within the District of Columbia commonly called the Potomac Flats, with copies of all papers relating thereto, and references to the laws under which any such patents or titles have been issued, if any such there be."

I have the honor to state that the only patent or other title papers shown by the records of this office to have been issued for any portion of the Potomac Flats so called, is the patent issued December 6, 1869, to John L. Kidwell for 47.71 acres in the Potomac River adjacent to the United States Observatory.

The records show that several applications for the survey and sale of alleged flats or islands in the Potomac River were made at different periods, among them an application by Mr. Kidwell for the survey of the bar north of the Long Bridge, and called by Mr. Kidwell "Kidwell's Land." These applications were all rejected, for the reason that there was no surveyable land in the localities mentioned subject to disposal by the United States under the laws of Maryland operative in the District of Columbia.

The application by Mr. Kidwell for the survey of the tract lying adjacent to the United States Observatory, and called by him "Kidwell's Meadows," was rejected under the administration of Mr. Commissioner Joseph S. Wilson, for reasons above stated, upon a report made by Mr. S. J. Dallas, principal clerk of surveys of this office, February 28, 1868.

In October, 1869, a re-examination was made by Mr. Dallas, at the request of Mr. John Wilson, formerly Commissioner of the General Land Office, then acting as attorney for Mr. Kidwell, and the survey was approved and patent issued as above stated.

On April 18, 1882, I made a full report of facts shown upon record, which was transmitted to Hon. M. W. Ransom, United States Senate, and appears in the Congressional Record, Forty-seventh Congress, first session, volume 13, pages 49, 50 (copy herewith). I also furnished Senator Ransom with a memorandum suggesting certain points as bearing upon the subject-matter, which also appears in the Congressional Record of the same date, page 52. Copies of said report and memorandum were transmitted to you, for the information of the honorable Attorney-General, under date of July 29, 1884.

The patent to Mr. Kidwell purports to have been issued under the provisions of the joint resolution of Congress of February 6, 1839 (5 Stat., 365), in pursuance of certain laws of the State of Maryland (acts November, 1781, chapter 20, and November, 1788, chapter 44), and act of Congress of February 27, 1801 (2 Stats., 103).

The following copies of papers are transmitted herewith:

1. Application for survey, John L. Kidwell.
2. Regulations of Treasury Department.
3. Report of special examiner rejecting survey.
4. Application for re-examination, with affidavits of T. Angerman, John M. Beckett John Wilson, and Henry Wells.
5. Report of special examiner approving survey.
6. Patent record.
7. Letter of Commissioner McFarland to Hon. M. W. Ransom.
8. Memorandum.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

1.

WASHINGTON CITY, *Sept. 2d*, 1867.

SIR: Under the provisions of the joint resolution of Congress of the 16th Febr'y, 1839, directing the manner in which certain laws of the District of Columbia shall be executed, I hereby apply to appropriate and enter a vacant or unclaimed tract of land situate in Washington County, District of Columbia, to wit: An island situated in the Potomac River, containing fifty acres, more or less, lying between the Washington City Channel and the Swash Channel, commencing nearly opposite to Fifteenth street west and extending up to a point opposite to where D street north strikes the canal or river, and as much further up stream as firm unclaimed land is found. Said land has not been surveyed or appropriated, to the knowledge of the undersigned, and I do hereby apply for a warrant of survey in my favor for the same.

Very respectfully, your obed't serv't,

JNO. L. KIDWELL.

To the TREASURER OF THE UNITED STATES.

DISTRICT OF COLUMBIA,
County of Washington, to wit:

I hereby certify that on this second day of September, 1867, before the subscriber, a justice of the peace in and for said county, appeared John L. Kidwell, who, being sworn on the Holy Evangels of Almighty God, made oath that having, under the provisions of the resolution of Congress of the 16th of Febr'y, 1839, directing the manner in which certain laws of the District of Columbia shall be executed, under application to enter a vacant tract of land in Washington County, District of Columbia, to wit: An island situated in the Potomac River, containing fifty (50) acres, more or less, lying between the Washington City Channel and the Swash Channel, commencing nearly opposite to Fifteenth street west and extending up to a point opposite to where D street north strikes the canal or river, and as much farther up stream as firm unclaimed land is found, and that such land has not been surveyed or appropriated, to his knowledge. There is, according to his information and belief, such land as he desires to appropriate, that his intentions are bona fide to secure it, and that his application is not made with a view or desire or intent to harass or vex any person whomsoever.

Sworn to before me and subscribed in my presence, this second day of September, A. D. 1867.

O. E. P. HAZARD, *J. P.*

2.

Regulations for carrying into effect a joint resolution of Congress approved February 16, 1839, "*directing the manner in which certain laws of the District of Columbia shall be executed.*"

TREASURY DEPARTMENT, *August* 10, 1839.

1. The Treasurer of the United States is, in reference to lands in the county of Washington, charged with the duties of treasurer of the western shore of Maryland, and will execute the same agreeably to the laws of Maryland in force the 27th day of February, 1801.

2. With the modifications hereinafter contained, the Commissioner of the General Land Office in like manner will discharge the duties of register.

3. The county surveyor of the county of Washington is required by the resolution to execute warrants to him directed.

4. William Tell Steiger, principal clerk of surveys, is appointed examiner-general, and will discharge the duties appertaining to said office.

5. Matthew Birchard, solicitor of the General Land Office, is appointed judge of the land office, for the purpose of carrying into effect said resolution.

6. The officers hereby appointed will each take an oath, before a person competent to administer the same, faithfully and impartially to execute the duties appertaining to their respective offices, which oath shall be filed in the Treasury Department previous to their entrance upon duty.

7. The forms of titlings, warrants, and other proceedings, with such modifications as the change of jurisdiction has made necessary, shall be the same as were in use in the State of Maryland at the date of the cession of Washington, and no other substantial variation shall be allowed.

8. The rules respecting the practical operations and mode of proceeding in the Western Shore land office will be gathered from the Land-Holder's Assistant; and, until otherwise directed, the same will be followed as the general guide in executing the aforesaid resolution.

9. A person wishing to appropriate land by an original warrant will, in the first place, go to the Treasurer of the United States, file his application and his affidavit setting forth that there is, according to his information and belief, such land as he desires to appropriate, that his intention is *bona fide* to secure it, and that his application is not made with the intent or desire to harass or vex any person whatsoever; and thereupon, on payment of the money required by law, the Treasurer will issue the titling or order, directed to the Commissioner of the General Land Office, requiring him to issue to and in the name of the person therein mentioned a warrant, common or special, as the case may be, for the number of acres paid for as aforesaid; and if a special warrant, the Commissioner shall insert the location or description given in writing by the applicant.

10. Applications for warrants of resurvey will be made in the first instance to the Commissioner of the Land Office, who will require an affidavit which, in addition to the facts required to be stated in the affidavit to be filed with the Treasurer, must state the applicant's belief that he has perfect title to the tract sought to be resurveyed, and adjoining the vacancy which is designated to be secured, and also must produce his title papers.

11. The Commissioner will consider no application unless it be made in writin and within the business days of the week, and during office hours.

To prevent contests about priority, he will indorse the precise hour of filing ea and every application, and he will file them in order of presentation, and keep record of the same in a book to be kept for that purpose.

12. The surveyor of Washington County will execute warrants according to la and such instructions as he may from time to time receive from the judge of the la office, and, when executed, will make his return to the Commissioner, who, having re istered the return, will forthwith deliver it to the examiner-general, and if report correct, and no caveat shall have been filed within the time prescribed by law, proof of complete payment a patent shall be issued.

13. Should a caveat have been duly filed, and the truth thereof sustained by af davit of the party, the same, together with all the papers connected with the appl cation, shall be transmitted to the judge of the land office, to be heard and determine according to law.

14. Should it be found necessary to issue instructions concerning proclamation c escheat warrants, or further instructions touching any of the above subjects, the sam will be duly attended to.

3.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
February 28, 1868.

SIR: In the matter of the application of John L. Kidwell, dated June 10, 1867, file in this office the 25th of June last, to appropriate a vacant tract of land in Washingtc County, District of Columbia, described by him as "a certain flat or bar in the Potoma River between the Virginia and Maryland Channels, and adjoining the Long Bridge c the upper side thereof, containing about twenty acres, more or less," and of his applic tion, dated September 2, 1867, filed here the 10th of the same month, to appropriate vacant tract of land described by him as "an island situated in the Potomac River, co taining fifty acres, more or less, lying between the Washington City Channel and t Swash Channel, commencing nearly opposite to Seventeenth street west and exten ing up to a point opposite to where K street north strikes the canal or river, and much farther up stream as firm unclaimed land is found," under the provisions the joint resolution of Congress "directing the manner in which certain laws of t District of Columbia shall be executed," approved February 16, 1839 (U. S. Statute vol. 5, page 365), I have the honor to report to you as follows:

Pursuant to the United States Treasurer's titlings to the Commissioner of the Ge eral Land Office, dated June 10, 1867, and September 3, 1867, warrants of survey the aforesaid alleged tracts of vacant land were issued by the latter June 26 a September 12, 1867, directing the surveyor for the county of Washington to surve the same, *provided* it was *firm land* and not subject to *tidal overflow*.

In pursuance of the instructions aforesaid, dated June 10, 1867, for the survey c the vacant land adjoining Long Bridge, and on the upper side thereof, B. D. Carpen ter, esq., the county surveyor as aforesaid, made a survey of the same August 28, 186 and returned his certificate thereof by the designation of "Kidwell's Island," "contain ing 15.25 acres of land, without any improvements;" and in pursuance of instruction of September 12, 1867, the said county surveyor made a survey of the alleged islan between the Washington City Channel and the Swash Channel on the 10th and 12t October last, and returned his certificate thereof by the designation of "Kidwell' Meadows," "containing 47.71 acres of land, more or less, without improvements."

The surveyor's certificate under the law is required to lie in this office six month after it is filed, subject to such objections as may be made thereto, before it can b admitted to patent.

In order to pass upon the survey as examiner-general understandingly, and to se whether the surveys were executed in accordance with the terms of the warrants c survey, it was found necessary to examine the premises, which I did in person o the 13th instant, reaching the localities on the ice, in company with an employé i the surveying division of this office. We found the premises in both instances to b under the ice in the Potomac River, presenting no appearance of land which th applicant, Mr. Kidwell, desired to appropriate under the aforesaid joint resolution Congress.

Finding the premises to be in both instances submerged and subject to tidal ove flow, and of course such land not fit for "vacant cultivation," as required by th third section of the act of November session, 1781, chap. 20 (*vide* Kilty's Land-Hol er's Assistant, page 309), it becomes my duty to reject the surveys, and indorse the in each case "disallowed," and stating my reasons therefor.

In consideration of the foregoing circumstances connected with the applications of Mr. Kidwell, and the surveys returned in total disregard of the law and instructions embodied in the warrants of survey, I have the honor to deliver the plats of the surveys to you, with the request that you cause the applicant, Mr. Kidwell, to be notified of the rejection of the surveys made, and also the surveyor of the county, so that the latter may cancel such surveys on his records, for the reasons hereinbefore stated.

I have the honor to be, very respectfully, your obedient servant,

STEPHEN J. DALLAS,
Principal Clerk of Surveys and ex officio Examiner-General.

Hon. JOSEPH S. WILSON,
Commissioner General Land Office,
ex officio Register of the Land Office
for the Sale of Vacant Lands in the District of Columbia.

4.

WASHINGTON, D. C., *September* 11, 1869.

SIR: On the 26th of June and 12th of September, 1867, warrants were issued from your office to the surveyor of Washington County, District of Columbia, for the survey of two several tracts of land for John L. Kidwell, esq., known and designated as "Kidwell's Meadow" and "Kidwell's Land," and lying between the Washington, Georgetown, and Swash Channels of the Potomac River.

This land is within the limits of "that part of the District of Columbia which was ceded to the United States" by the State of Maryland, and therefore clearly embraced by the joint resolution of the 16th of February, 1839 (vol. 5, p. 365).

It is outside the limits of the city of Washington. By an act of the legislature of Maryland passed 19th of December, 1791, in view of the proviso therein contained, the boundaries of the city of Washington were fixed as follows, to wit:

"Beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburg; thence along the middle of said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of 61° 20′ with the meridian, to a stone standing in the road leading from Bladensburg to the Eastern Branch Ferry; thence south to a stone 80 poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east parallel to the said east and west line to the Eastern Branch; then with the waters of the Eastern Branch, Potomac River, and Rock Creek to the beginning; which has since been called the city of Washington."

By act of Congress of 3d of March, 1839 (vol. 5, p. 364), "the bounds of the county of Washington and the corporation of the city of Washington are extended so far as to comprehend the causeway and bridge lately constructed from the said city across the river Potomac to the opposite shore, and the said corporation are hereby empowered to adopt and enforce such rules and regulations as they may deem necessary for the safety and security of property and persons passing the said causeway and bridge."

This land surveyed for Kidwell is outside these boundaries, as will be seen by the accompanying affidavits of T. Augerman, temporarily in command of the steamer Enterprise (Doc. A), which sailed through the Swash Channel that separates Kidwell's land from the main shore, which is the boundary of the city; also the affidavit of Henry Wells, who sailed through said Swash Channel in said steamer Enterprise on the 22d February, 1869, when she made the trip above mentioned (Doc. B), and the affidavit of John Beckett, a respectable colored man, who has known the waters of the Potomac and its tributaries intimately for twenty years, and who testifies (24th August, 1869) to the existence of said Swash Channel for and during all that period and at the present time (Doc. C).

As Kidwell's land is thus within the county of Washington and outside the city of Washington, there can be no doubt that it is subject to the joint resolution of 16th February, 1839, above mentioned, if it be land within the meaning of the laws of Maryland and that joint resolution.

That it is such land is shown by the affidavits of Henry Wells and John Wilson of the 10th of September, 1869 (Doc. D).

When your examiner examined the land the whole country was covered with sleet, snow, and ice, as will be seen by the affidavit of John Wilson of 10th of September, 1869 (Doc. E), and hence the mistake into which he was led and which he reported to your office.

It is respectfully requested that you cause your examiner to make a new examination, and a carriage will be placed at his disposal for that purpose at any time you

may designate, and Doctor Kidwell and the surveyor will go with him to point out the land.

And if the examination shall prove satisfactory, we respectfully request that the patents be issued for these lands as provided by law.

Very respectfully,

JOHN WILSON,
Attorney for Kidwell.

Hon. JOSEPH S. WILSON,
Commissioner General Land Office.

COUNTY OF WASHINGTON,
District of Columbia, ss:

Before me, Jos. T. K. Plant, a justice of the peace for the District and county aforesaid, this twenty-third day of February, A. D. 1869, personally appeared Theodore Augerman, of Washington City, temporarily in command of the steamer Enterprise (a regularly registered vessel plying upon the waters of the Potomac, as will be seen by the copy of register attached), who, having been duly sworn, deposes and says that on Monday the twenty-second day of February, 1869, I proceeded in charge of said steamer from the wharf at the foot of 11th street, through the *north* draw of the Long and Railroad Bridges; thence following the "Swash Channel" past and close to the works at the end of the 17th street wharf; thence past and close to "Braddock's Rock," on main shore (at old gas-house); thence out into main channel at Easby's Wharf; thence to Georgetown, without any difficulty of navigation.

T. AUGERMAN.

Subscribed and sworn to before me the day and date above written.

JOS. T. K. PLANT, *J. P.* [SEAL.]

FREIGHT STEAMER.

By authority of the United States of America.

Inspector's certificate.

(Steamer Enterprise Certificate expires September 17th, 1869.)

STATE OF MARYLAND,
District of Baltimore:

Application having been made in writing to the subscribers, inspectors for the District, to inspect the steamer Enterprise, of Washington, in the Dist. of Columbia, whereof John Augerman owner and H. F. Duty is master, and having performed that service, now, on this 22nd day of September, A. D. 1868, do certify that she was built at Alexandria, in the State of Virginia, in the year 1865; is of 50.28 tons burthen, and is in all respects stanch, seaworthy, and in good condition for navigation. That she is provided with one high-pressure boiler 8 feet long and 3½ feet diameter, of the vertical tubular type, constructed of charcoal iron of ¼ of an inch in thickness, and made by Wm. S. Moore, of Alexandria, in 1865, and is in all respects conformable to law. The said boiler has been subjected to a hydrostatic pressure of 120 pounds to the square inch, and the maximum working power allowed was 80 pounds to the square inch. That there is one safety-valve with 7 square inches area, and the lead prescribed is such as to allow but 80 pounds pressure per square inch, and left in charge of the engineer; and one locked safety-valve of 2 inches in diameter, loaded to 82 pounds pressure per square inch. Has supply pipe of ¾ inches diameter, and has sufficient means to keep the water at all times and under all circumstances up to 4 inches over the flues. Has one steam-pipe of 3 inches diameter. Has two pressure engines of 7 inches in diameter of cylinder and 24 inches stroke. Has one feed-pump of 3 inches diameter and 7 inches stroke. Has three gauge-cocks, one water-gauge, and one steam-gauge. Has alloyed metal on the flues, which fuses at — pounds on the outside boilers and at — pounds on the inside boilers. Has fire-pump of — inches stroke and — inches in diameter, and has — feet of hose, 3 buckets, and 2 axes. Has 1 boat in good order. Has life-preservers. We further certify that the equipment of the vessel throughout, including pipes, pumps, and other means to keep the water up to the point aforesaid, hose, boats, life-preservers, anchors, signal-lights, and other things, are conformity with the provisions of the law, and that we declare it to be our deliberate conviction, founded upon the inspection we have made, that the vessel may be employed as a freight steamer upon the waters herein specified, with peril to life from imperfection of form, materials, workmanship, or arrangement of the several parts or form, age, or use. And we further certify that the said vessel is run only within the following limits, to wit:

From Georgetown, D. C., to Point Lookout, Md.

J. L. BROWN,
Inspector of Hulls.
JOSEPH CRAGG,
Inspector of Boilers.

STATE OF VIRGINIA:

Personally appeared before me, the undersigned, J. L. Brown and Joseph Cragg, duly appointed inspectors of steam-vessels for the district of Baltimore, and made solemn oath that the annexed certificate of inspection is just and true.

Sworn and subscribed before me on this 18 day of September., A. D. 1868.

I hereby certify that the above is a true copy of the original on file in this office.

R. BELL, JR., *D. C.*

CUSTOM-HOUSE, ALEXANDRIA, *the* 18 *day of September*, 1868.

DISTRICT OF COLUMBIA,
County of Washington:

Before me, the subscriber, a notary public within and for the District and county aforesaid, duly commissioned and qualified, personally appeared John M. Beckett, colored, who having been duly sworn, deposes and says that he has known the waters of the Potomac River and its tributaries for the last twenty-one years and upwards, having sailed in various crafts for that period in every different capacity except as captain, and being now engineer of the steamer Enterprise. He further states that he was engineer of the said steamer Enterprise on the twenty-second day of February, 1869, when that steamer passed along the Swash channel from the foot of Eleventh street, past and close to the works at the end of Seventeenth street wharf, past and close to Braddock's Rock, near the old glass-house, and into the main channel at Easby's wharf, and to Georgetown; that when said steamer passed along said channel it was mean and falling tide, said channel having been staked out by deponent a few days before said steamer passed through the same; that at that time the island south and west of said channel was clearly marked and defined, and the said channel, though materially changed from its ancient condition, and especially within the last three years, still exists, and is fully competent for the navigation of vessels of the draught of the said steamer Enteprise. This channel is clearly and distinctly marked, the mainland and tow-path of the canal being on the right hand going up to Georgetown and Kidwell's Island being on the left hand. Deponent has no interest of any kind in this matter; and further deponent saith not.

JOHN M. BECKETT.

Sworn to and subscribed before me this 24th day of August, 1869.

JOHN D. CLARK,
Notary Public.

DISTRICT OF COLUMBIA,
County of Washington:

Before me, the subscriber, a notary public within and for the District and county aforesaid, duly commissioned and qualified, personally appeared John Wilson, of Chicago, Illinois, and Henry Wells, of Tallahassee, Florida, both now in the said city of Washington, and known to me to be reliable and competent witnesses, and having been duly sworn, deposes and say that on the third day of November, one thousand eight hundred and sixty-eight, they, in company with others, went in a boat to ascertain the depth of water around the land surveyed by the county surveyor of Washington County for John L. Kidwell, esq., of Washington, under warrants issued out of the General Land Office of the United States, and dated on the 26th June and 12th of September, 1867. They left Easby's wharf about 2 o'clock p. m. and proceeded to the northwestern end of the land skirted along the western side of it, nearly down to the Long Bridge. We found Kidwell's Meadow high and dry standing out of the water from two to four feet, covered with a dense growth of weeds, wild rice, and other shrubs. The land was firm, solid, and substantial; the water very shoal all around it, but gradually deepening as we receded from it, in every direction with a solid smooth bottom of firm sand. We did not go around it, or attempt to do so, as the distance was too great and the time too short, but we saw a clear and well-defined channel on all the other sides of it.

Deponents further say that they have no interest whatever in said Kidwell's claims to these lands a meadow.

H. WELLS.
JOHN WILSON.

Subscribed and sworn to before me this tenth day of September, 1869.

N. CALLAN,
Notary Public.

DISTRICT OF COLUMBIA,
County of Washington:

Before me, the subscriber, a notary public within and for the District and county aforesaid, duly commissioned and qualified, personally appeared Henry Wells, of Talla-

hasse, Florida, now in Washington, a competent and reliable witness, who, having been duly sworn, deposes and says, that on the 22d of February, 1869, he steamed in the steamer Enterprise (a regularly registered boat plying on the waters of the Potomac) for the purpose of testing the existence of and availability for transportation for purposes of my own of the old "Swash" channel, so-called, from the wharf at the foot of Eleventh street west, on the Potomac, through the north draws of Long and railroad bridges to the works at the end of the Seventeenth-street wharf; thence westerly in nearly a direct line to a point close to the canal bank at the foot of Twentieth street; thence following the channel between the main land and the land on the left, known as Kidwell's Meadows, along the shore out into the main or Georgetown channel as Easby's wharf; thence to Georgetown.

He further deposes and says that the steamer passed without any difficulty or hindrance whatever through the entire channel, and that he considers it a perfectly practicable channel for the class and model of vessel with which it was tested, a fifty ton craft, U. S. measurement on ordinary tides.

H. WELLS.

Sworn and subscribed before me this 24 day of August, 1869.

JOHN D. CLARK,
Notary Public.

DISTRICT OF COLUMBIA,
County of Washington:

Before me, the subscriber, a notary public within and for the District and county aforesaid, personally appeared John Wilson, of Chicago, Illinois, now in said city of Washington, personally well known to me as a competent and reliable witness, who, having been duly sworn, deposes and says, that on or about the thirteenth day of February, one thousand eight hundred and sixty-eight, he personally examined the tract of land surveyed for the John L. Kidwell, esq., by the county surveyor of said county of Washington, under warrants issued out of the General Land Office of the United States, and bearing dates of June 26th and September 12th, 1867, and found, as stated in letter of said General Land Office to said Kidwell of Feb'y 29th, 1868, that there was "no land visible above the surface of the ice," and that the whole city and country in the neighborhood at that time was in the same situation. The fact is that there had been a heavy fall of snow, sleet, and rain, and a pretty severe spell of cold had frozen the same so that the whole surface of the surrounding country was completely covered by the ice, and no land visible above it, except where the ice had been broken by travel, or the land had been protected from the storm. Deponent further states that he has frequently examined the lands so surveyed for Kidwell at other and divers times, and knows that a strong growth of weeds was upon it, and, in his opinion, corn and trees could have been grown upon it by ordinary cultivation. Deponent further states, from personal examination and enquiry, that said land is *not* subject to tidal overflow, though at times of unusual flood, as in spring and fall rise and by heavy rains, combined with the melting of the snow, said land may be flooded occasionally for a short period, as all other low or meadow lands are in the neighborhood, but such overflow would not, as a general rule, affect the crops at the planting, growing, or harvesting season. And further deponent says that he has no interest whatever in the matter, but is the att'y of Dr. Kidwell in prosecuting his right to these lands.

JOHN WILSON.

Subscribed and sworn to before me this tenth day of September, A. D. 1869.

N. CALLAN,
Notary Public.

5.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
November 10, 1869.

SIR: On the 11th of September last John Wilson, esq., attorney for Dr. John L. Kidwell of Washington City, made application to you for patents for the lands which had been surveyed for said Kidwell in 1867 by the county surveyor under warrants issued by the Commissioner of the General Land Office, the said surveys being designated by the surveyor as "Kidwell's Island" and "Kidwell's Meadows," situated in the Potomac River and in the county of Washington, D. C. Prior to reporting to you the foregoing surveys for patenting I deemed proper to inspect the same, and having found the premises under the ice I rejected the surveys on the ground that they were *under water* and constituting no land in the purview of the joint resolution of Congress allowing vacant lands in Washington County to be appropriated.

The aforesaid application, accompanied by several affidavits proving the existence of the lands above the water, alleges that the time when my examination on the ice took place was not calculated to render strict justice to the merits of the case, the frost having congealed the surface of the water at high tide, which, together with snow-drifts and sleet covering the lands, led the examiner into an error of judgment, to correct which the aforesaid attorney of Dr. Kidwell asked you to direct the examiner to proceed to the localities surveyed with view of re-examining them and satisfying himself of the real condition of the lands, and if he finds that his former inspection and report thereon was erroneous that he remove the obstacle thrown in the way of issuing the patents.

Accordingly, in pursuance of your directions I have re-examined the rejected surveys of "Kidwell's Island" and "Kidwell's Meadows," the former adjoining the Long Bridge on the north, and the latter situated between the Washington City channel and Swash channel of the Potomac River on one side and the Georgetown channel on the other. My re-examinations took place on the 17th and 24th ultimo on foot and in a boat, both at high and low tides of water, which flow and ebb ordinarily to the depth of about 2½ feet, and the result of which is as follows, to wit:

The "Kidwell's Meadows" were found to be from 3½ to 4 feet above the low water, and from a foot to a foot and a half above ordinary high water, as near as I could judge, the density and vigorous growth of wild rice measuring from ¼ to ¾ of an inch in diameter, together with other weeds, impeding the clear view of all parts of the meadows. The Swash channel, separating the meadows on the north from the accretion to the tow-path of the Georgetown and Washington Canal, is from 12 to 45 feet wide and about 4 feet deep, at mean tide affording boat navigation. The meadows are on a level with neighboring low lands north of the Georgetown and Washington Canal, and within the corporate limits of this city, as well as those on the opposite side of the Potomac, used and cultivated as pasture lands and meadows.

The "Kidwell's Meadows" consist of decomposed vegetable matter, the growth of every succeeding year adding to the deposits of former years. These being mixed up with sediments of clay and sand, together with logs of wood, large trees, and animal bodies in a state of putrefaction, contribute to the rapid formation of the land, rank vegetation on the premises, and great unhealthfulness of the immediate neighborhood.

It will be perceived that the present condition of the "Kidwell's Meadows" as viewed in connection with the surrounding water and land instead of, as on former occasion, in connection with the *ice* and *land*, is quite different. My inspection of the premises twenty months ago surveyed from the surface of the ice covering the same was at a variance with the present one. The then ice may have been formed at a very high tide, the accumulation of snow on it and superincumbent sleet may have rested on the *land*, instead of water as I then inferred, and led me to express my opinion as to the real status of the premises, as from my present knowledge of the land I believe that analogous circumstances might produce similar effects in the rigorous winter season; but whatever was the actual condition of the "Kidwell's Meadows" on the 13th day of February, 1868, the day I did in the first instance examine them, my disallowance and rejection of the survey, reporting it to you adversely and cancellation thereof on the records of the county surveyor, I am now, in consideration of the foregoing facts, satisfied that no such disallowance of the survey can be made. And although the "Kidwell's Meadows" are hardly yet fit to produce successful crops of corn or garden vegetables, the land nevertheless is susceptible of producing fodder and affording pasture for the cattle, and as such requires at my hands the rescinding of the former rejection of the survey of the "Kidwell's Meadows," which I do hereby rescind and submit herewith the plat of that survey now approved by me for your direction as to the issuing of the patent for the premises to Dr. Kidwell, the applicant as aforesaid.

As to the "Kidwell's Island," the first above mentioned lying next to the Long Bridge and containing, according to the survey by the county surveyor, 15.25 acres, the premises possessing no characteristics similar to the "Kidwell's Meadows" as yet, I am of opinion still that my rejection of its survey twenty months ago is sustained by the facts elicted in the re-examination of the premises, which were found subject to every day's overflow by the tide, and consequently not yet fit for agricultural purposes, though they may be at no distant time in case the causeway of the Long Bridge is suffered to remain.

I have the honor to be, very respectfully, your obedient servant,

STEPHEN J. DALLAS,
Principal Clerk of Surveys, ex-officio Examiner General.

Hon. JOSEPH S. WILSON,
Commissioner of the General Land Office, Washington, D. C.

6.

(Washington County, District of Columbia, Special Certificate No. 50.)

TREASURY OF THE UNITED STATES, *September* 3, 1867.

I certify that John L. Kidwell has this day deposited to the credit of the United States twenty dollars on account of vacant land in the Potomac River, above the Long Bridge, for which I have signed duplicate receipts.

L. R. TUTTLE,
Asst. Treasurer U. S.

TREASURY OF THE UNITED STATES, *December* 3, 1869.

I certify that John L. Kidwell has this day deposited to the credit of the United States three dollars and eighty-six cents on account of vacant lands in the Potomac River, above the Long Bridge, for which I have signed duplicate receipts.

L. R. TUTTLE,
Asst. Treasurer U. S.

TO THE COMMISSIONER OF THE GENERAL LAND OFFICE:

I certify that I have surveyed a plat or parcel of land near to and adjoining the Washington shore of the Potomac River, separated from the mainland by a boat channel, from three to five feet deep, and from ten to fifty feet wide, extending from Twenty-five St. west to Easby's ship-yard, for John L. Kidwell, according to an order of the Commissioner of the General Land Office, to me directed, dated June 26th, A. D. 1867. Said land I have called "Kidwell's Meadows," beginning at a cedar post firmly planted, at low water, on which is inscribed the letters "J. L. K.," at a point bearing N. 84° W. from the centre of the dome of the Capitol, and S. 43° 30′ W. from the centre of the dome of the observatory, and distant about one-fourth of a mile from thence by compass bearings: (1) N. 66° 30′ W., 5 perches; (2) N. 32° 00′ W., 15 perches; (3) S. 81° 00′ E., 10 perches; (4) N. 49° 30′ W., 20 perches; (5) N. 22° 45′ W., 20 perches; (6) N. 13° 15′ W., 15 perches; (7) N. 73° 30′ E., 2.40 perches; (8) S. 28° 45′ E., 2 perches; (9) S. 59° 00′ E., 2 perches; (10) S. 73° 00′ E., 8 perches; (11) S. 84° 45′ E., 7.60 perches; (12) S. 56° 30′ E., 18 perches; (13) S. 60° 45′ E., 20 perches; (14) S. 49° 00′ E., 20 perches; (15) S. 40° 00′ E., 10 perches; (16) S. 46° 00′ E., 12 perches; (17) S. 71° 30′ E., 74 perches; (18) S. 28° 30′ E., 54 perches; (19) S. 24° 30′ W., 18 perches; (20) N. 47° 00′ W., 24 perches; (21) N. 72° 00′ W., 48 perches; (22) N. 63° 30′ W., 32 perches; (23) N. 60° 00′ W., 14 perches. Thence in a straight line to the beginning, containing forty-seven acres and seventy-one hundredths of an acre of land, more or less, without improvements. Laid down by a scale of 80 pr. to the inch. Surveyed Oct. 10th and 12th, 1867.

B. D. CARPENTER,
Surveyor of Washington County, D. C.

N. B.—The distances given are from actual measurement by walking around on the lines.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
November 10, 1869.

The foregoing survey of "Kidwell's Meadows," on re-examination of the premises on the 17th and 24th October, 1869, were found to be above the tide at low as well as high tides. The said survey being of the land subject to the operation of the joint resolution of Congress of 16th February, 1839, v. 5, p. 365, the same is hereby approved.

STEPHEN J. DALLAS,
Prl. Clk. of Surveys and Ex-officio Examiner Gen'l.

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, greeting:

Whereas John L. Kidwell, of the county of Washington, in the District of Columbia, hath deposited in the General Land Office of the United States evidence bearing date the 3d September, 1867, and the 3d December, 1869, whereby it appears that full payment has been made to the Treasurer of the United States, by the said John L. Kidwell, for a tract of vacant land, containing forty-seven acres and seventy-one hundredths of an acre, called "Kidwell's Meadows," and lying in the Potomac River, above the Long Bridge, according to the official certificate and plat of survey thereof, bearing date the

tenth and twelfth of October, 1867, made and returned by the surveyor of Washington County, in the District aforesaid, pursuant to a special warrant of survey unto the said surveyor, directed on the 26th day of June, A. D. 1867, by the Commissioner of the General Land Office aforesaid, in virtue of the authority of Congress under a resolution "directing the manner in which certain laws of the District of Columbia shall be executed," approved on the 16th day of February, 1839, and which tract of land is shown by the aforesaid certificate and plat of survey to be bounded and described as follows, to wit: Beginning at a cedar post firmly planted at low water, on which is inscribed the letters "J. L. K.," at a point bearing north eighty-four degrees west from the centre of the dome of the Capitol, and south forty-three degrees thirty minutes west from the centre of the dome of the Observatory, and distant about one-fourth of a mile from thence by compass bearings: north sixty-six degrees thirty minutes west, five perches; thence north thirty-two degrees west, fifteen perches; thence south eighty-one degrees east, ten perches; thence north forty-nine degrees thirty minutes west, twenty perches; thence north twenty-two degrees forty-five minutes west, twenty perches; thence north thirteen degrees fifteen minutes west, fifteen perches; thence north seventy-three degrees thirty minutes east, two and four-tenths perches; thence south twenty-eight degrees forty-five minutes east, two perches; thence south fifty-nine degrees east, two perches; thence south seventy-three degrees east, eight perches; thence south eighty-four degrees forty-five minutes east, seven and six-tenths perches; thence south fifty-six degrees thirty minutes east, eighteen perches; thence south sixty degrees forty-five minutes east, twenty perches; thence south forty-nine degrees east, twenty perches; thence south forty degrees east, ten perches; thence south forty-six degrees east, twelve perches; thence south seventy-one degrees thirty minutes east, seventy-four perches; thence south twenty-eight degrees thirty minutes east, fifty-four perches; thence south twenty-four degrees thirty minutes west, eighteen perches; thence north forty-seven degrees west, twenty-four perches; thence north seventy-two degrees west, forty-eight perches; thence north sixty-three degrees thirty minutes west, thirty-two perches; thence north sixty degrees west, fourteen perches; thence in a straight line to place of beginning, containing forty-seven acres and seventy-one hundredths of an acre of land, more or less, without improvements.

Now know ye, that the United States of America, in consideration of the premises, and in conformity with the resolution of Congress, aforesaid, and the laws in such cases made and provided, have given and granted, and by these presents do give and grant unto the said John L. Kidwell, and to his heirs, the said tract of land above described; to have and to hold the same, together with all the rights, immunities, privileges, and appurtenances of whatsoever nature, thereunto belonging, unto the said John L. Kidwell, and to his heirs and assigns forever.

In testimony whereof, I, Ulysses S. Grant, President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

[L. S.]

Given under my hand, at the city of Washington, the sixth day of December, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States the ninety-fourth.

By the President:

U. S. GRANT.
By I. N. BURRITT,
Secretary.
J. N. GRANGER,
Recorder of the General Land Office.

(Rec. vol. 4, page 304 to 308, incl.)

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 18, 1882.

SIR: The patent to John L. Kidwell for the Kidwell Meadows, so called, containing 47.91 acres, lying south of the National Observatory and extending from opposite Twentieth to Twenty-sixth street west, appears from the records of this office to have been issued under the provisions of the joint resolution of Congress of February 16, 1839 (5 Stat., 365). The proceedings relative to this application and payment for and the survey and patenting of this tract were under regulations prescribed by the Secretary of the Treasury in August, 1839, for carrying said joint resolution into effect.

The joint resolution related to certain acts of the legislature in Maryland respecting titles to vacant lands, which were in force in the District of Columbia by virtue of the

provisions of the act of Congress of February 27, 1801 (2 Stat., 103), continuing in force the laws of the State of Maryland within that portion of the District ceded by said State to the United States.

The laws of Maryland prescribing the method of securing title to vacant land and which were operative in the District of Columbia, as above recited, were, among others, the acts of November, 1781, chap. 20, and November, 1788, chap. 44. The act of 1781, "to appropriate certain lands to the use of the officers and soldiers of this State, and for the sale of vacant lands," was construed to mean that all lands within the State in Washington County, westward of Fort Cumberland, were appropriated to discharge the obligations of the State to officers and soldiers, and the residue, after completing that engagement, to the use of the public. (Kilty's Land Holder's Assistant, p. 308.) The thirteenth section of the act of 1788 removed the limitations of the former act, and made all vacant land in the State, as well westward of Fort Cumberland as elsewhere, not affected by outstanding warrants, subject to be taken up in the usual manner by warrant at the price of three shillings and ninepence per acre. (*Ibid.* 315.)

The warrants referred to were orders of survey to be issued on the order or "titling" of the Treasurer and were restricted by the third section of the act of 1781 to vacant cultivable lands, the technical phrase being "Warrants of vacant cultivation." (*Ibid.* 309.)

The joint resolution of Congress of 1839 authorized certain officers therein named to perform the duties which had been required of State officers under Maryland laws, and empowered the Secretary of the Treasury to make the necessary regulations to carry the Maryland acts into effect. It was provided in the joint resolution that "any land which may have been ceded to or acquired by the United States for public purposes shall not be affected by said acts."

The Treasury regulations defined the proceedings necessary in obtaining titles to land under said joint resolution.

Assuming that these laws and regulations authorized and provided the means of securing individual titles to islands, flats, and marshes in the Potomac River, within or adjacent to the city of Washington, several applications for orders of survey were made from time to time, which were granted, but under which no surveys were executed. These orders provided thot the land to be surveyed must be firm land not subject to tidal overflow. In some instances surveys were returned, but were rejected by the Commissioner of the General Land Office on the ground that the land was submerged by tidal flow, and was therefore not subject to survey and disposal under the Maryland acts and joint resolution of Congress.

The application of Mr. Kidwell for a patent for the so-called "Kidwell's land," being the bar on the upper side of the Long Bridge, was rejected for this reason:

On September 10, 1867, Mr. Kidwell applied for a warrant of survey for the tract known as "Kidwell's Meadows," and which was described in the application as an island in the Potomac River between Washington City channel and the Swash channel, commencing nearly opposite Fifteenth street west and extending to a point where D street north strikes the canal or river. The order of survey was issued September 12, 1867, and its execution was made subject to the usual provision that the land to be surveyed should be "firm land and not subject to tidal overflow." The survey was returned by the county surveyor October 19, 1867. An examination of this survey was deemed necessary, and Mr. S. J. Dallas, principal clerk of surveys in the General Land Office, was designated as examiner-general for this purpose. Mr. Dallas made the examination, and on February 28, 1868, reported to the Commissioner of the General Land Office that he found the premises to be under the ice in the Potomac River, presenting no appearance of land, but submerged and subject to tidal overflow, and "of course not fit for 'vacant cultivation,' as required by the third section of the act of 1781."

He also found that the survey had been returned in total disregard of the law and of the instructions embodied in the warrant of survey." The survey was accordingly rejected. On October 17 and 24, 1869, a re-examination was made at the request of Mr. John Wilson, attorney for Kidwell, and upon this re-examination the examiner-general rescinded his former opinion and approved the plat of survey. In this re-examination, made under more favorable conditions than the examination in the original instance, he found the "Kidwell Meadows" to be from three and one-half to four feet above low water and from a foot to a foot and a half above ordinary high water, as near as he could judge, owing to the density and vigorous growth of wild rice and other weeds, which impede a clear view of all parts of the meadows. He did not think the land fit to produce successful crops of corn, but thought it susceptible of producing fodder and affording pasture for cattle.

Upon this re-examination, and the approval of the plat of survey by the examiner-general, patent was issued to Mr. Kidwell December 6, 1869. The amount paid for this tract was $23.86, or 50 cents per acre.

In reference to this patent, and to similar applications, Mr. Commissioner Drummond, in a letter to Mr. A. R. Shepherd, dated January 22, 1873, said:

"All applications made since I assumed charge of the Land Office, in February, 1871, have been refused for the following reasons:

"1. Because the land was subject to every day's overflow by tide water, and therefore not in a condition to be surveyed.

"2. Because I thought that the disposition of the land was not clearly authorized by law.

"Because I did not deem it proper to dispose of lands situated in the immediate vicinity of Washington at a nominal sum to private parties who could hold and use them so as to impede and obstruct harbor improvements, unless the law clearly and imperatively made it my duty to do so."

The foregoing statement comprises the fact of record in this office relative to the patent issued to John L. Kidwell for the "Kidwell Meadows," so called.

The brief time I have for the consideration of the subject does not permit me to express an opinion upon the legal points involved in the case.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. M. W. RANSOM,
United States Senate.

8.

MEMORANDUM.

The title of the United States to the bed of the Potomac River through the District of Columbia was derived from the cession of jurisdiction by the State of Maryland.

The United States has such title to the soil under the navigable waters of the Potomac River within the District and to the islands, flats, bars, and marshes in said river, as the State of Maryland had.

The alienation of the sovereign title to the shores of navigable waters and the soil under them, or the disposal of the flats, bars, and marshes within such waters was not authorized by the general land acts of the State of Maryland.

The laws of Maryland providing for the disposal of vacant lands, and which were adopted by Congress for the District of Columbia, authorized the disposal only of lands of a certain defined character.

The United States could dispose only of such lands within the District under those laws as the State of Maryland could have disposed of prior to the cession under those laws.

If the tract now in question could not have been disposed of by the State of Maryland under the act of 1781 it could not legally have been disposed of by the United States under the joint resolution of Congress of 1839.

The land that could have been disposed of under the general land acts of Maryland was land suitable for occupation and cultivation. It was not land that by the accumulations and hardening of future years might become suitable for cultivation, but land actually cultivable. The term "vacant cultivation," as authoritatively construed, implied unappropriated land that could be cultivated.

If the "Kidwell Meadow" was in 1869 a strip of marsh in the Potomac River, subject to overflow by tide-water, it was not cultivable land authorized to be disposed of by the Maryland acts and the joint resolution of 1839.

If the land was not of the character authorized to be surveyed by said laws, and the instructions issued thereunder, that is to say, if it was not "firm land and not subject to tidal overflow," its survey in 1867 was illegal and the approval of said survey in 1869 was without authority.

The public land laws of the United States are not operative in the District of Columbia, and the disposal of land, the property of the United States therein, can only be made by special authority of Congress. Patents for lands in said District cannot issue without express provisions of law.

If the patent to Kidwell was not for land authorized to be disposed of by the Maryland acts and the joint resolution of 1839, its issue was without authority.

The land must also have been vacant unappropriated land. The Maryland acts contemplated only the disposal of lands of such character. It was further provided in the joint resolution that "any land which may have been ceded to, or acquired by, the United States for public purposes shall not be affected by said acts."

The Potomac River in its course through the District is appropriated to the public

uses of navigation. The alienation of the title of the United States to the flats, bars, and marshes therein would impair those uses by impeding harbor improvements and interfering with the removal of obstructions.

The United States is the proprietor of the land adjoining the Kidwell Meadows, so called, having acquired the same for the uses of the Naval Observatory and other public purposes.

The land in question is of alluvial formation. If in 1869 it had been raised above low-water mark by gradual accretion, it had become attached to the adjoining property through riparian rights, and would for that reason have been taken out of the class of lands subject to the operation of the Maryland acts and the joint resolution, first, because the title to the adjoining property had passed from the State of Maryland to private proprietors prior to the cession, and second, because of the public uses to which the adjoining property had been dedicated by the United States.

The segregation of such land and the disposal at private sale would have required special authority of Congress, without which an attempted sale by the executive officers of the United States would be void.

The patent to Kidwell can be sustained only on the following propositions:

First. That the land was firm cultivable land in 1869.

Second. That it was above high-water mark at that date and not subject to tide overflow.

Third. That it was unappropriated to any public purpose.

Fourth. That it was separated from the mainland by a navigable channel, and was an island in fact, and not an accretion to the mainland.

Fifth. That it was without the municipal jurisdiction of the city of Washington.

Sixth. That the acts of Maryland and the joint resolution of 1839 contemplated the disposal to private persons of the islands, flats, bars, and marshes in the harbor of Washington.

Unless each and all of the foregoing conditions are met the patent to Kidwell was issued without proper authority.

But whether said patent was issued without authority, or whether it is voidable by reason of fraud or mistake, or whether it conveys a valid title to the land, are questions that can of course only be determined by the courts.

B.

BALTIMORE, MD., *Febr'y* 17, 1885.

Hon. GEORGE F. EDMUNDS,
U. S. Senate.

DEAR SIR: Your letter of Feb. 12th, addressed to Hon. A. P. Gorman, in reference to the claims of the Chesapeake and Ohio Canal Company to any part of the so-called Potomac flats, in the District of Columbia, has been referred to me.

The Chesapeake and Ohio Canal Company claims riparian rights from Easby's point, formerly Easby's shipyard, to Seventeenth street.

I have directed search to be made in order to exhibit, when necessary, the original location of the canal in B street, between the points named, together with an abstract of the grants and condemnations upon which that part of the canal was originally constructed.

I have a topographical map, which shows the whole case clearly enough. I suppose it to be a Coast Survey map, as it gives the channel depths of the Potomac River, but I am not able at the moment to fix its date. I would exhibit it to you at any time with pleasure.

The acts of Congress relating to the canal are the acts of March 3d, 1825, 4 U. S. Stat., 101; May 3d, 1828, 4 U. S. Stat., 292, 293, and some other acts not material to your present inquiry which you will find referred to in the synoptical index to the laws of the U. S., pp. 176, 177, 188.

I note that many of the State laws, in whole or in part adopted by Congress, relating to the Chesapeake and Ohio Canal, may be found in 4 U. S. Stat. at Large, appendix 1, p. 793.

It is, as you may readily imagine, very difficult to state a claim of this nature within the brief compass of a letter, especially when it depends upon the terms of grants and condemnations which are not before me.

I can only express the hope that your committee in dealing this session with matters in its charge will so legislate as to afford the Chesapeake and Ohio Canal Company full opportunity for claiming and obtaining any rights or damages to which it may be able to show itself rightfully entitled.

Very respectfully yours,

CHAS. I. M. GWINN,
Counsel Ches. and Ohio Canal Co.

C.

[Blank No. 1.—Government Telegraph Lines, connecting the Senate with all the Executive Departments.]

UNITED STATES SENATE, *February* 18, 188–.

(From War Dep't.)

To Hon. GEO. F. EDMUNDS,
Senate:

In reply to your telegram the Chief of Engineers reports that the whole amount, four hundred thousand dollars, appropriated by the act of August 2d, 1882, for improving Potomac River has been expended, and of the five hundred thousand dollars appropriated for the same object by the act of July 5th, 1884, there has up to Feb'y 1, 1885, been expended the sum of forty thousand six hundred and sixty-nine dollars and seventy cents.

ROBT. T. LINCOLN.

D.

DEPARTMENT OF JUSTICE,
Washington, February 18, 1885.

SIR: In compliance with your request of to-day, I have the honor to transmit herewith a copy of my letter of instructions to the United States attorney for the District of Columbia in relation to the matter of the claim to the Potomac flats.

I am, sir, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. GEO. F. EDMUNDS,
Chairman of the Committee on the Judiciary of the Senate.

DEPARTMENT OF JUSTICE,
Washington, January 28, 1885.

SIR: By the act of August 2, 1882, chapter 375, which made an appropriation for "improving the Potomac River in the vicinity of Washington with reference to the improvement of navigation, the establishment of harbor lines, and the raising of the flats, under the direction of the Secretary of War," &c., authority is given the Attorney-General "to cause a suit or suits in law or in equity to be instituted, in the name of the United States, in the supreme court of the District of Columbia, against any and all claimants of title under any patent which in his opinion was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement."

I transmit herewith sundry papers, some time since received from the Secretary of War, by which it appears that in the year 1869 a patent was issued to John L. Kidwell, granting a part of the marshes or flats within the limits of the improvement aforesaid; and being of opinion that such patent was by mistake and improperly and illegally issued, I deem it necessary, as a measure for the protection of the rights of the United States in the premises, that a judicial proceeding be instituted as soon as practicable, having for its object the annulment of such patent.

You are accordingly hereby instructed to bring a suit in equity, in the name of the United States, in the supreme court of the District of Columbia, against the said John L. Kidwell and any and all other persons claiming title under the patent issued as above, to have the said patent set aside or annulled.

In this connection I refer you, for further information regarding the premises, to the following maps covering the Potomac River front at Washington, compiled from the field surveys made in the years 1862 and 1867, which may be found in the office of the United States Coast and Geodetic Survey: No. 764 (Hunter's Point to the Long Bridge), 1862; No. 765 (Long Bridge to the Aqueduct), 1862; No. 1082 (Analostan Island to Long Bridge), 1867.

I am, sir, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

A. S. WORTHINGTON, Esq.,
United States Attorney, District of Columbia.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1392.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1885.—Ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 2656.]

The Committee on Indian Affairs, to whom was referred Senate Executive Document No. 14, first session of the present Congress, on the subject of the claim of the "Old Settlers" or Western Cherokee Indians, and also Senate bill No. 1906, have had the same under consideration, and report:

That, on the 12th day of February, 1884, the committee referred the claim of the "Old Settlers" or Western Cherokees to the Court of Claims for the investigation of the facts involved therein, in accordance with the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883, together with the vouchers, papers, proofs, and documents appertaining thereto, and to report to the committee its finding of the facts relating to said claim.

On the 2d day of February, 1885, that court certified to the committee its findings of facts. The court, however, not being authorized by the act under which the reference was made to determine the questions of law involved, found the facts *alternatively* as to the amount due from the United States to those claimants contingent upon the construction to be placed upon the treaty stipulations and acts of Congress relating to the said claim. The committee find that a proper determination of the law applicable to the facts found by the Court of Claims in the case of the "Old Settlers" or Western Cherokees involve the interpretation of several treaties and acts of Congress. And inasmuch as such a determination of those legal questions is important to both the Government and these claimants, and inasmuch as the committee, with its other important duties of a public nature, have not the time to give such legal questions that careful and thorough examination they deserve, the committee are of opinion that said questions ought to be submitted to a competent judicial tribunal for investigation and decision.

The committee find that the claim of the Cherokee Nation (or Eastern Cherokees) contained in section 6 of Senate bill No. 1905 (being the amount mentioned in Report No. 2, contained in Senate Executive document No. 60, second session Forty-seventh Congress) has not been

to stand and still not disprove the fact that the injuries from which the claimant is now suffering were incurred as he alleges. That they may have developed into more serious conditions than existed when the witnesses whose testimony was taken by the special examiners were examined is doubtless true, and this very fact may have misled some of said witnesses But when the case is considered as a whole and in its several phases, the committee can but conclude that the disabilities of which the claimant complains did originate in the service. Considering the character of the claimant, as attested by his position in the community in which he resides, and the good reputation certified to by his fellow-citizens belonging to the Grand Army of the Republic in Kansas, who assert that he is a man incapable of attempting to "receive a pension on fraudulent evidence," the committee feel justified in reporting the bill to the Senate with a recommendation that it do pass.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1393.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1885.—Ordered to be printed.

Mr. PIKE, from the Committee on the District of Columbia, submitted the following

REPORT:

[To accompany bill H. R. 3235.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 3235) relating to acknowledgments of conveyances of land in the District of Columbia, make the following report:

At the first session of the present Congress your committee reported S. 1104, recommending its passage. It is now No. 187 on the Senate calendar. It is like the aforesaid House bill, except section 4 of the Senate bill has been stricken out.

The first section of the House bill provides that all deeds of conveyance or other instruments of writing relating to land in the District of Columbia, heretofore recorded in said District, and which purport to have been acknowledged before one of various officials named therein, "shall have the same force and effect, and the same are hereby declared to be as good and effectual in law and in equity, in favor of all persons claiming bona fide under such deeds or instruments, as if the same purported to have been acknowledged before any officer or officers duly authorized by existing law * * * in said District;" provided that nothing shall be construed to divest just rights, already acquired, of record, in good faith, by purchasers or creditors of the grantors.

The second section provides that no acknowledgment of any deed or instrument heretofore recorded shall be deemed invalid by reason of the absence on the record of a seal of the acknowledging officer, and that the record of all such acknowledgments shall have the same force and effect, and shall be as good and effectual, as if such seal appeared of record, subject to the proviso contained in the first section.

The third section authorizes the acknowledgment of deeds relating to land in the District of Columbia before various officials therein named in addition to the officials now by law so authorized, subject to the provisions of section 443, Revised Statutes of the United States, relating to the District of Columbia.

The last section provides where acknowledgments are made before an officer who has no official seal, that his signature shall be deemed sufficient without any scroll or seal.

The committee are informed that there is great necessity for the enactment of such a law as this act would secure. They therefore recommend its passage, and that the Senate bill above referred to be indefinitely postponed.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1394.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2153.]

The Committee on Pensions, to whom was referred the bill (S. 2153) granting a pension to Benjamin F. Brockett, have examined the same, and report:

That Benjamin F. Brockett, late captain of Company I, Eighty-seventh Illinois Volunteers, entered the service August 15, 1862, and remained therein until December 10, 1863. He applied for a pension, and alleges that when he entered the service—

He was a sound and healthy man * * * and that he was in good health and always ready for duty until about the 1st of June, 1863; that about that time he was ordered to take charge of a foraging expedition when in camp near Vicksburg, Miss., and had special orders to bring in beef for the hospital supplies; that he ordered the men under his charge to capture a wild Texas cow; that his men failed to capture her, and that in running past him he caught the cow by the horns, when he was thrown under her feet, tramped upon, and forced against a fence; that the men in endeavoring to assist him in her capture frightened her, and in her attempt to jump over the fence she tramped upon him on the lower right side of his abdomen, and on the left side above the hip joint; that the injury to his right wrist joint and right ankle were received at the same time; also, the injury to the lower right side of his abdomen; that the injuries were so severe that he was unable to stand without assistance, and that his men carried him to a wagon and hauled him to Warrenton or Warrington, some eight miles below Vicksburg, where a part of the regiment was encamped.

This statement is supported by the testimony of S. S. Gentry, D. M. Grulls, R. B. Graham, and B. J. Brockett, who were members of the same company and present when said injuries are alleged to have been received.

On the case stated he claimed a pension for injury to wrist, thumb, and ankle, and rupture in the right side.

During the pendency of this case in the Pension Office he was examined on three several occasions by examining surgeons of the pension service, and was each time reported at three-fourths total disability.

The claim was finally rejected by the Commissioner of Pensions, on the ground that the "alleged disabilities have originated since discharge, as shown by evidence adduced by special examiners."

It does not seem to the committee that this was a just result. The evidence of the witnesses who testify to the incurrence of the disabilities from personal knowledge is not impeached, and there is but little in the testimony taken by the special examiners which cannot be allowed

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1397.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1997.]

The Committee on Pensions, to whom was referred the bill (S. 1997) to increase the pension of Louis J. Sacriste, has examined the same, and reports:

That the Commissioner of Pensions, in transmitting the papers in this case to the committee, says:

Mr. Sacriste was pensioned in 1880, for hemorrhoids, at $8.50 per month, from June 4, 1865, to date of his discharge, and $12.75 per month from December 29, 1879, the present rate of allowance.

It does not appear why Mr. Sacriste has not applied to the Commissioner of Pensions for an increase of his pension, nor that his present rate is not all that he is entitled to under the general law for his degree of disability. His present rating is fractional, and if he can show that his disability has increased since he was last rated, or that at that time it was greater than represented by the rate allowed him, he can pursue the remedy established by law by making application for increase. When he shall have done so and failed upon due proof of greater disability than the rate allowed him represents, it will be time enough to appeal to Congress for relief by special act.

The bill is, therefore, reported adversely, with the recommendation that it be indefinitely postponed.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1398.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6399.]

The Committee on Pensions, to whom was referred the bill (H. R. 6399) granting a pension to John H. Ivers, alias John H. Wilson, has examined the same, and reports:

That the Commissioner of Pensions, in a letter to the committee relative to this case, says:

In response to your request for papers in the case of John H. Wilson, *alias* J. H. Ivers, late of Company G, Fourteenth Michigan Volunteers, I have the honor to inform you that the records of this office fail to show that any claim under the name and service above given has ever been filed.

And the soldier says that—

He has not applied for a pension for the reason that he was told the Department would not grant it because of his having enlisted under an assumed name, and therefore he asks Congress to grant him relief.

The reason stated for failure to apply in pursuance of law for a pension is not a sufficient excuse for making this application to Congress for relief. Proof of the facts stated relative to enlistment under an assumed name, and of the incurrence of the disability described in the service and line of duty would secure the allowance of a pension by the Commissioner of Pensions, and the committee does not feel warranted in such a case in departing from the established rule that application shall first be made to that officer for an allowance of the pension claimed.

The bill is therefore reported adversely, with a recommendation that it be indefinitely postponed.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1399.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7292.]

The Committee on Pensions, to whom was referred the bill (H. R. 7292) to increase the pension to Jacob Wiener, has examined the same, and reports:

That this seems to be a proper case in which to grant an increase of pension to the extent provided in the said bill, as the disability of the soldier is greater than the degree required by the act of March 3, 1883, for the allowance of $30 per month, while at the same time it does not amount to such a condition of helplessness as to require the constant aid of an attendant.

The case is quite circumstantially stated in the report of the Committee on Invalid Pensions of the House of Representatives, which is here copied as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7292) granting a pension to Jacob Wiener, having considered the same, report as follows:

The petitioner enlisted in the Army of the United States as a private in Company H, Forty-first Regiment New York Volunteers, on November 1, 1861, and was discharged November 7, 1864. Declaration for pension was filed November 8, 1878, alleging that at Hunter's Chapel, Va., January, 1862, he froze both feet so that they burst open and disabled him for the performance of duty, and was attacked with rheumatism in both feet and legs while on guard duty. The Pension Office allowed $4 per month for frost-bite, but rejected the claim for rheumatism on the ground that it did not originate in the service and line of duty. In the consideration of the case it seems somewhat strange that the soldier should remain in the service for two years after the incurrence of the disability, but it is explained by the affidavits of Henry Sweitzer and Ernest Weber, who say that at the time of the injury the claimant was treated in regimental hospital for a severe cold and frosted feet, which resulted in chronic rheumatism; that in the spring or 1863 they saw him in Washington, D. C., where he was on detached duty, being unfit for active duty or service by reason of rheumatism, from which he was then suffering; that they saw him after his discharge and he was still suffering, and they swear this knowledge is from personal observation.

There is no record testimony or medical evidence of treatment, and claimant has not been able to supply the deficiency, but offers the affidavit of the captain of his company, Julius Stommel, who says that he knew of claimant's feet being frozen, and that he received medical treatment in the regimental hospital at Hunter's Chapel, Va., and that he suffered from broken-open feet several times subsequently. The fact of the claimant's feet being frozen is undoubted, as it is testified to by several witnesses, as also that the rheumatism has been continuous and increasing.

Claimant states that the frozen feet and chronic rheumatism are the direct results of his military service, in consequence of which he has been totally incapacitated from performing manual labor; that without the aid of an assistant he can neither dress, eat, nor perform the functions of nature, and that he is totally and utterly helpless. This statement is corroborated by acquaintances, and particularly by the at-

tending physician, Dr. R G. Mauss, who testifies that claimant has steadily run dow in health and ability to take care of himself; that his feet, hands, and body swe enormously, entirely incapacitating him from feeding and dressing himself for weel at a time; that the paralysis of his extremities is steadily increasing, and that h case is a most deplorable one, and he is without means of alleviating his sufferings b reason of his extreme poverty. That as he requires assistance in dressing and fee ing himself, and is entirely incapacitated for even the slightest manual labor, h certainly should have his pension increased. Thinks his condition is due entirely t his army service.

Surgeon-General Barnes, in an affidavit filed January 11, 1882, says claimant ha been suffering for the past sixteen years, and is unable to take care of himself. Thre examining surgeons have rated disability for frozen feet at $4 per month, without re erence to rheumatism. One surgeon rates, "first disability, $4;" second, "total sec ond grade, $24."

Special Examiner George W. Frost, after taking evidence in the case under date o February 15, 1883, concludes his report to the Commissioner by saying "that for te years at least claimant has been wholly incapacitated for manual labor, and that fo five years has required assistance, and recommends that the claim for increase be ad mitted.

General W. S. Rosecrans, in a letter to the Commissioner, says: "Do what you ca for this old soldier; I know his condition is distressing."

Your committee are of the opinion the pension should be increased, and recommen the passage of the bill, amended as follows: Strike out of line 4 the following word "place on the pension-roll the name" and insert "increase the pension," and add afte the word "volunteer," in line 6, "to forty dollars per month." Amend title so as t read, "to increase the pension of Jacob Wiener."

The statement relative to Surgeon-General Barnes is an error in this that the person referred to is Surgeon J. D. Barnes, United States Arm But the error is more that of the Pension Office than of the committe of the House, inasmuch as in one of the papers in the case prepared i said office refers to the said Surgeon Barnes, as Surgeon-General, an the statement made by the said Barnes is not an affidavit, but an off cial certificate. The bill is reported to the Senate, with a recommenda tion that it do pass.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1400.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5929.]

The Committee on Pensions, to whom was referred the bill (H. R. 5929) for the relief of Abigail Honey, has examined the same, and reports:

That the report of the Committee on Invalid Pensions of the House of Representatives in this case is amply supported by the record and evidence transmitted to this committee by the Commissioner of Pensions. That report is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5929) granting a pension to Abigail Honey, respectfully report:

That claimant is the widow of Joseph W. Honey, who enlisted in the military service of the United States as a private in Company H, Twenty-sixth Regiment Iowa Volunteers, August 11, 1862, and was discharged on surgeon's certificate of disability February 20, 1863.

The husband of claimant was discharged at Young's Point, La., and placed on board the steamboat City of Alton to be sent to his home; he was so much disabled that it was with great difficulty he could walk by the aid of crutches; he was carried aboard the steamer by his comrades. When the boat reached Memphis, the soldier, while standing near the "gang plank," was accidently thrown overboard and drowned. The disability for which the soldier was discharged is shown to have occurred after his enlistment and in the service, and the accidental drowning of the soldier is shown by comrades who were on the boat at the time. But the claim was rejected by the Pension Office, on the ground that the soldier was drowned after discharge from the United States service.

The widow has never remarried, and is very poor, and by her labor and the charity of neighbors has maintained herself and supported and reared the seven children of the dead soldier, all of whom were of tender years at the time of his death. By these long years of earnest labor her health has become broken, and she is now unable to support herself.

The death of the husband of claimant is clearly the result of his military service, and his widow should receive the pension a grateful Government has provided for the widows of its soldiers who lost their lives in its service, or as a result of such service. Your committee therefore recommend the passage of the accompanying bill.

It is not at all probable that the soldier would have lost his life when and in the manner he did had he been free from the disability under which he was laboring, and which he incurred in the military service. Indeed, but for said disability he would not have been exposed to the accident which cost him his life.

The bill is therefore reported to the Senate with a recommendation that it do pass.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1401.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6798.]

The Committee on Pensions, to whom was referred the bill (H. R. 6798) to grant a pension to Lloyd W. Hixon, has examined the same, and reports:

That the case is stated in the report of the Committee on Invalid Pensions of the House of Representatives as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6798) granting a pension to Lloyd W. Hixon, respectfully report:

That claimant was mustered into the military service of the United States as assistant surgeon, Thirteenth Regiment Massachusetts Volunteers, March 3, 1862, and honorably discharged August 1, 1864.

November 6, 1882, he filed a declaration for pension, alleging that he contracted deafness while in the service and in line of duty, which was rejected January 18, 1884, on the ground of existence of disability prior to enlistment.

Charles W. Hovey, inspector of customs, Boston, Mass., testifies—

"That he was lieutenant-colonel of claimant's regiment in the service; remembers that he was troubled with deafness at Belle Plain, Va., in the winter of 1862-'63, which was greatly increased by exposure; at discharge was seriously troubled, and believes it was the result of exposure in the service."

A. W. Whiting, M. D., of Newton, Mass., says he was surgeon of claimant's regiment:

"That the exposure incident to the service was such as to seriously affect claimant's hearing, and his deafness was increased to such an extent as to incapacitate him for practicing his profession, which resulted, in his opinion, from the exposure and hardships of the service."

Dr. J. O. Green, of Boston, Mass., testifies, December 3, 1881:

"Known claimant since 1863, but first treated him in 1873 and during each year to 1876 for catarrhal deafness of an aggravated type, which made gradual progress, producing more and more thickening of the tympanum, mucous membrane, and secondary disease of auditory nerve until now (May, 1883), he cannot distinguish words through the most powerful ear-trumpet nor hear a vibrating tuning fork when placed on the skull and mastoids, and there is no question about the disease being hypertrophic inflammation of the mucous membrane, aggravated in character and progress."

Oliver E. Cushing, of Lowell, Mass., testifies, April 21, 1884:

"I have known Lloyd W. Hixon for many years, and at no time prior to his enlistment in the United States service in 1861 was he incapacitated from the discharge of any professional duties by his inability to hear."

Artemus S. Tyler, of Lowell, Mass., testifies, April 21, 1884:

"I have known Lloyd W. Hixon for many years, and at no time prior to his enlistment in the United States service was he incapacitated for the discharge of any professional duties by his inability to hear."

The claim has been rejected by the Commissioner of Pensions because the disability existed prior to enlistment.

As to this statement the petitioner says:

That it is true that before he entered the service his hearing had been from time time impaired when he caught cold, and was not as acute at other times as so people claimed theirs to be; but it is also true that his hearing was ordinarily as go as that of persons in general; that it was sufficient for all purposes of medical practi and of conversation and business, and never had occasioned him any inconvenier or attracted the attention of others, and that, but for the injury received by the posure and hardship aforesaid, it would in all probability have remained sufficie for all practical purposes during his life-time.

That [he is] without means of support, and is now fifty-five years of age.

The evidence gives reasonable ground for belief that the present pra tically total deafness of the petitioner is the result of the exposu and hardship to which he was subjected in the service, and the bill accordingly reported to the Senate with a recommendation that it do pas

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1402.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5989.]

The Committee on Pensions, to whom was referred the bill (H. R. 5989) for the relief of Elizabeth A. Springsteed, has examined the same, and reports:

That the report of the Committee on Invalid Pensions of the House of Representatives is substantially a transcript of the brief made of this case in the Pension Office, and on which it was rejected. The report is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5989) for the relief of Elizabeth A. Springsteed, having considered the same, make the following report:

The petitioner in this case is Elizabeth A. Springsteed, widow of David A. Springsteed. The service of the soldier is as follows: Enlisted July 30, 1862, as a private in Company B, Seventh Regiment New York Heavy Artillery; discharged March 31, 1864. His death occurred July 4, 1868; cause, dropsy. It is alleged that the disease and death were the result of fever and ague contracted while in the service of the United States and in the line of military duty. Widow filed her application for pension January 9, 1871, and it was rejected on the ground that "death was not due to service." The evidence in the case is as follows:

Dr. David Springsteed, of Albany, N. Y., testifies that said David A. Springsteed was a sound man up to the date of enlistment.

J. C. Cuyler, of Albany, N. Y., testifies that said soldier was in the employ of affiant on the Albany Morning Express, just prior to his enlistment, and for a number of years just previous thereto, and that he was a sober, steady, and faithful man, and always appeared to affiant to be sound and healthy.

John Hastings, of Albany, N. Y., testifies that he was one of the editors and proprietors of the Albany Daily Knickerbocker, a newspaper published in the city of Albany. He further corroborates the above statement of J. C. Cuyler.

Capt. Samuel E. Jones, of Albany, N. Y., testifies:

"Was captain of Company B, Seventh New York Heavy Artillery; that said David A. Springsteed was a sober, healthy, and sound man at, and prior to, enlistment; that while in said company, and up to the time he was taken sick, he was a good and faithful soldier; that after discharge he was constantly suffering from the disease contracted in the Army, until his death."

He further states that said David A. Springsteed contracted his disease at Fort De Russey while in the service, while on picket duty. He was suffering from fever and ague.

Col. John Hastings, of the Seventh New York Heavy Artillery, testifies that said soldier contracted fever and ague while on duty at Fort De Russey. He gradually failed from day to day, and was finally rendered unfit for duty, and as this affiant believes and remembers, was assigned to the regimental hospital, where he remained until he was discharged from the service.

Robert E. Hart, of Albany, N. Y., testifies that he commenced working in the printing office where said David A. Springsteed was foreman, shortly after his return from the Army; that he was weak and sickly; that frequently after commencing his day's

work he would be attacked with dizziness and faintness, and would often be compelled to leave his work in consequence thereof; that he would complain of severe pains in his head, and sometimes these attacks would keep him away from his work for several days. At times his appetite would be fair, generally it was poor, and particularly so during the continuance of these attacks. Frequently when these attacks would come upon him he would become prostrated and fall to the floor; he would have violent attacks of fever followed by chills; these attacks would apparently break him all up, and for a time disqualify him for work; this was his condition from the first, and constantly growing worse, until he became utterly incapacited to perform his work, when he gave up his position and was shortly afterwards taken charge of by Dr. David Springsteed.

Dr. D. Springsteed, of Albany, N. Y., testifies that he attended said David A. Springsteed for about four months previous to his death; that he found him at first suffering from dropsy, the result of fever and ague, and that he died July 4, 1868, from dropsy, resulting from fever and ague.

The committee have thus given in detail the evidence in the case as the best histoty of it, and are convinced that death was due to disease contracted in the service, and from which the soldier was never free after discharge. The committee recommend that the bill do pass.

It would seem that a case thus briefed should have been allowed.

The bill is accordingly reported to the Senate with a recommendation that it do pass.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1403.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6287.]

The Committee on Pensions, to whom was referred the bill (H. R. 6287) for the relief of John H. Johnson, has examined the same, and reports:

That the record and proofs in this case are sufficient to support it. The Committee on Invalid Pensions of the House of Representatives presents a circumstantial statement of the case, and which is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6287) granting a pension to John H. Johnson, respectfully report:

That John H. Johnson enlisted in the military service of the United States as a private in Company E, Fourteenth Regiment Kentucky Volunteers, October 15, 1861, and was honorably discharged January 31, 1865.

January 2, 1880, he filed in the Pension Office an application for pension, on the ground that at or near Atlanta, Ga., August 8, 1864, he received gunshot wounds in right leg between knee and ankle, and in left foot; also on account of piles contracted in lifting logs used in fortifications at the mouth of Beaver Creek, Kentucky, and of being rehurt by mules about the same time, in the fall of 1863. This application was rejected by the Pension Office August 11, 1883, on the ground of no disability for gunshot wound since discharge, and no record proof for piles, and claimant's alleged inability to furnish medical evidence of treatment therefor in service or since discharge. The lay testimony on file is not competent to establish origin of piles in the service or show continuance thereof since discharge.

It is shown that the soldier was a sound, healthy man prior to and at the time of enlistment, and a resident of Boyd and Greenup Counties, Kentucky, and that since discharge he resided in Boyd County, Kentucky, until 1880, when he removed to Lawrence County, Ohio, his present residence.

Charles H. Thuner, a comrade, now residing at Ironton, Ohio, testifies, March 13, 1882—

"That claimant was severely bruised by mules at Beaver Creek, Kentucky, in July, 1863, which resulted in protrusion or prolapsus of the bowels, from which he suffered to date of discharge; that he was slightly wounded in right leg and left foot near Atlanta, Ga., about July, 1864; that he was personally present on both occasions and knows the facts."

John J. Hamilton, of same address as above, a comrade, testifies, March 13, 1882—

"That he was with claimant when he received the wounds, and was mashed by mules as alleged; that he saw claimant in a nude condition just after he was hurt, and saw the bowels protrude."

George M. Rouse, of Centre Station, Ohio, a comrade, of Company A of said regiment, testifies, April 10, 1883—

"That he saw claimant a few minutes after he was hurt by mules, about August, 1863, at the place alleged; that he seemed to be helpless, and was sent to convalescent camp at Louisa, Ky., for treatment; that he did not see claimant wounded, but saw the alleged wounds at the hospital at Marietta, Ga.; that in October, 1864, he

was suffering from said wounds and piles, which protruded, and which claimant showed to him at the time."

John H. Lee, of Ironton, Ohio, a comrade, testifies April 10, 1883, to the same facts as above from his personal knowledge.

D. A. Leffingwell, who was captain of claimant's company, states (not verified) that he cannot remember the circumstances of claimant's injuries, but believes what he alleges is true. In a letter to the Pension Office, dated August 25, 1883, he reiterates the statement above, but says that he was seemingly a sound man when mustered out of the service.

Dr. A. C. Miller, who was the regimental surgeon, in a letter filed April 10, 1883, says he has no record of claimant and no recollection of him.

Dr. S. J. Yates, of Louisville, Ky., regimental surgeon, writes, in a letter filed April 10, 1883, "That it has been so long it is impossible for him to recollect claimant"

Henry Harrison testifies, April 13, 1883—

"That he saw claimant soon after his discharge, in the spring of 1865, and that he was complaining of rupture and gunshot wounds of right leg and left foot; that he has lived a near neighbor to claimant since his discharge, and during that time he has been disabled for manual labor and suffered continuously from said disabilities."

James Owens testifies, July 2, 1883—

"That he has known claimant over twenty-seven years; that since he came home from the Army, in February, 1865, he was suffering from wounds and piles, and that he has suffered therefrom continuously to the present time."

William Jeffers, of Ironton, Ohio, testifies, July 2, 1883—

"That when claimant came home from the Army, in 1865, he was lame and suffered from gunshot wounds and piles, as claimant informed him at the time; that during the spring and summer of 1865 affiant saw him frequently; was at his house when he was in bed, and at other times, and knows that he suffered from said disabilities; has seen him frequently each year to the present time."

Jordon Washington, of Ironton, Ohio, testifies substantially to the same facts as Jeffers.

This statement is also substantially corroborated by G. E. W. Butler, May E. Hartman, George M. Rouse, Oliver D. Chatfield, George McKnight, Andrew J. Savage, George Phenix, all of Ironton, Ohio.

Dr. C. V. Ferior, United States pension examining surgeon at Catlettsburg, Ky., in an examination of claimant, made August 13, 1881, says:

"He is three-eighths disabled; that a ball struck claimant at the edge of the right tibia, about the middle, leaving a scar—cutting the skin. He was also hit with a ball at the end of the big toe of the left foot, and that he finds two small hemorrhoidal tumors at the posterior edge of the anus; has a number of tumors above the sphincter ani, which frequently bleed (at times profusely). Disability, three-eighths."

July 11, 1883, claimant was again examined, and this time by a board of United States pension examining surgeons at Ironton, Ohio, who say that he is disabled three-eighths by piles.

It is shown that the soldier has been treated for his disabilities since his discharge by Drs. Ferguson, Spaulding, and Adams, all of whom are dead.

The disability of this claimant is conclusively shown by the voluminous testimony of his neighbors, who have known him since his discharge, and by numerous Army comrades, who testify of their personal knowledge of the injuries received, and but for the death of the physicians who treated him after his return home from the Army the claim would certainly have been allowed in the Pension Office. Your committee therefore report the bill back to the House with the recommendation that it do pass.

There seems to be no reasonable doubt that the soldier is subject to a disability contracted in the service and line of duty, and the bill is therefore reported to the Senate with a recommendation that it do pass.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1404.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6596.]

The Committee on Pensions, to whom was referred the bill (H. R. 6596) granting a pension to John Hazlewood, have examined the same, and report:

The facts are set out in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1886), as follows:

Your committee, having carefully considered this case, find that John Hazlewood enlisted in Company F, Seventh Regiment of West Virginia Cavalry, September 17, 1861, and was discharged from the service January 26, 1865. The claim for pension is that he "contracted piles at New Creek, Va., about May 15, 1862, and asthma at Culpeper, Va., about July 20, 1862.

The claim was rejected by the Pension Department on the ground of "inability to furnish medical evidence to show condition in the service or at date of discharge." It is true that he has been unable to furnish *medical* evidence of treatment for his disabilities while in the Army, because his regimental surgeon, Dr. James Putney, who treated him, has no record of said treatment and cannot remember the facts, but he does state the following, which dates the existence of the disease for which claimant asks for pension to within six months of the date of discharge:

"Mr. John Hazlewood presented himself to me for medical treatment in July, 1865. I diagnosed his disease 'humoral asthma'; he had been but recently discharged from the United States service, and informed me, upon inquiry, that he had been affected for several months; that he had contracted the disease while in the service. I had no doubt as to the truth of his statement, as the disease appeared to be chronic, which has proven to be so, not having yielded to any treatment from that time to the present (February 12, 1878). He tells me that I ought to be able to state that he was sound when he entered the service; that I knew him before the war. Perhaps I did, but I cannot remember him prior to to July, 1865. I have treated him several times since then."

Thomas Martin, Joseph Quenby, and Darius Henry, all neighbors, testify under oath that John Hazlewood was a sound and able-bodied man prior to and at the date of enlistment. John McComb, late first lieutenant of the claimant's company, under oath, May 29, 1876, says:

"Claimant contracted asthma at or near Culpeper, Va., about the middle of July, 1862, and frequently complained of being unwell."

Fletcher C. Lanham, second lieutenant of claimant's company, under oath, November 5, 1875, testifies that claimant—

"Contracted piles near New Creek, Va., in May, 1862, and asthma in July, 1862."

Thomas J. Tucker, corporal in claimant's company, says that—

"Claimant contracted piles at or near New Creek, Va., about the middle of May 1862, and asthma in July, 1862."

Robert W. Jones, first sergeant of claimant's company, under oath, November 15, 1877, says:

"Claimant contracted piles at or near New Castle, Va., and asthma at Culpeper, Va., in the year 1862."

Thomas Martin, Dr. A. L. Knight, Darius Henry, and Joseph Quenby, in separate affidavits, all testify that claimant has suffered from asthma and piles ever since he came home from the Army.

The examining surgeon says:

"Hemorrhoids are found protruding from anus in masses equal in the aggregate to the size of a hen egg, and presenting the appearance of a ripe raw tomato. The evidences of asthma are well marked, the breathing being labored and accompanied by moist râles. I rate the piles as disabling him one-half total, the asthma as disabling him one-half total."

In view of the fact that three neighbors testify to the complete soundness of the claimant previous to enlistment; the first lieutenant, second lieutenant, first sergeant, and a corporal all swearing to the fact that the diseases from which the claimant suffers were contracted while in the Army, with time and place stated; the surgeon, six months after discharge of the claimant, testifying to the existence of the disease in a chronic form, and four neighbors swearing to the existence of the disease from the time of leaving the service to the present time, ought to be, in the judgment of your committee, sufficient to overcome the fact that the claimant has been unable to furnish medical testimony of the existence of the disability while in the service, and your committee recommend the passage of the bill.

Your committee report the bill with recommendation that it pass without amendment.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1405.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4869.]

The Committee on Pensions, to whom was referred the bill (H. R. 4869) for the relief of Morris Geld, have examined the same, and report:

The facts in this case are briefly stated in the report of the House Committee on Invalid Pensions (House Report No. 2446), as follows:

Morris Geld entered Company B, Tenth Regiment New York Volunteer Cavalry, December 19, 1862, and was honorably discharged on July 17, 1865, having made a good soldier. He enlisted in the United States Army October 6, 1865, in the Second Cavalry, for three years, and was honorably discharged October 6, 1868. In his discharge his character is given as "excellent in every respect, sober and attentive to duties."

Enlisted again the same day in the regiment for five years, and was honorably discharged September 25, 1870, in consequence of General Order No. 92. This discharge says, "Character excellent and temperate in his habits."

October 13, 1870, he re-enlisted again in the Fourth United States Cavalry for five years, and was honorably discharged October 13, 1875. This discharge says, "Character excellent."

He enlisted as sergeant on October 22, 1875, and was honorably discharged October 21, 1880. This discharge says, "Character very good."

He enlisted again February 11, 1882, for five years, and was discharged September 13, 1882, on a surgeon's certificate of disability. Character still good.

His disability occurred while in the line of his duty in this way: A street-car ran over his hand and mashed the bones of it so badly that his left hand had to be taken off at the wrist joint. He was on recruiting service at Philadelphia. Being sick one morning, his sergeant sent him out to take a short ride, believing it would do him good; he returned in a very short time, and when within 20 feet of his quarters (the recruiting office) he fell and was run over by the car, with the result as before stated. His sergeant, who was in command, swears he was within 20 feet of him when he fell, and that he was perfectly sober.

The Pension Office rejected his claim because he was out of his quarters with leave for a few minutes.

Your committee report the bill without amendment, with the recommendation that it do pass.

Your committee are not disposed to insist on the technical objection interposed by the Pension Office in this case, especially in view of recent rulings, but, in view of the long and faithful service of the soldier and the circumstances under which the accident occurred, recommend the passage of the bill.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1406.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7373.]

The Committee on Pensions, to whom was referred the bill (H. R. 7373) for the relief of Sarah A. Burchfield, have examined the same, and report:

The facts in this case are briefly stated in the report of the House Committee on Invalid Pensions (H. R. Report No. 1927), as follows:

That Robert L. Burchfield was a second lieutenant in Company D, Third North Carolina Mounted Infantry, and was appointed as such on the 1st January, 1865, and served to 8th August, 1865, as appears by act of Congress of March 13, 1872.

By the above act of Congress the said Burchfield was paid for services as such officer for the period above mentioned. But this private act failed to direct that his name should be placed on the rolls of said regiment as a second lieutenant, for which reason the Pension Office refuses to grant the relief asked by the widow of said Burchfield.

Not only does this act of Congress recognize the fact of his being such officer, but the proof from persons having actual knowledge, shows that said R. L. D. Burchfield was a second lieutenant in Company D, Third Regiment of North Carolina Mounted Volunteers, and that he served faithfully as such soldier and officer.

That said Burchfield while in line of his duty, was severely wounded by the enemy in Cherokee county, North Carolina, which rendered his left leg entirely useless; the ball taking effect in the left thigh, near the hip joint, and passing through and coming out near the knee-joint, and unfitting the left leg for any kind of use.

The said Burchfield filed his application for pension in consequence of disability on the 3d day of January, 1873, which was rejected on 20th July, 1874, for the reason hereinbefore stated.

The said Burchfield was honorably discharged on the 8th day of August, 1865, at Knoxville, Tenn. The said Burchfield has since died, and Sarah A. Burchfield is his widow, now surviving.

Under the holding of the Pension Office the widow could not obtain a pension. The committee, being of opinion that her claim is meritorious, and that she is entitled to prosecute her claim for a pension free from obstructions, do recommend the passage of the accompanying bill.

The present bill as it passed the House only authorizes the adjudication of the widow's claim as though the soldier had been regularly mustered into the service.

Your committee are of opinion that there is sufficient evidence in the case to warrant this being done, and therefore recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1407.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 24, 1885.—Ordered to be printed

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4263.]

The Committee on Pensions, to whom was referred the bill (H. R. 4263) granting a pension to Elizabeth Hood, have examined the same, and report:

The principal facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (H. R. Report No. 1373), as follows:

Elizabeth Hood is the mother of Rowland I. Hood, who enlisted in the military service of the United States as a private in Company —, Eighty-third Regiment Pennsylvania Volunteers, and died from the effects of wounds received at the battle of People's Farm, Va., September 30, 1864. She is also the mother of Morebird Bradley Hood, who served in the United States Navy during the late war, on board the United States frigate Wabash, and who, while in the line of his duty on board said vessel, at Fort Beaufort, N. C., the day after the bombardment of Fort Fisher, N. C., in which action his vessel participated, was accidentally killed by the upsetting of an ice box, which accident was due to a sudden lurch of the vessel, caused by the wind and waves.

It is shown that the deceased soldiers were never married, and prior to and during their service and up to the date of their respective deaths, contributed their labor while at home and of their wages during their military service to the support of their parents.

John Hood, the husband of claimant and father of the deceased soldiers, died at Waterford, Pa., May 29, 1880, leaving no estate and the claimant without any means of support. She has not applied to the Pension Office, for the reason that at the date of the death of her said sons her husband was living, and as an honest, Christian woman she could not swear that she was entirely without the means of support, as she must do to establish her claim at the Pension Office.

But now that in the death of her husband she is left, in her seventy-sixth year of age, without any support, your committee are of the opinion that hers is a case in which Congress is justified in intervening and giving relief to the dependent parent who gave her sons to the Republic in time of peril, and therefore recommend the passage of the accompanying bill.

Your committee are also in receipt of a letter from Mr. Brainerd, of the House of Representatives, corroborative of the above facts from his own knowledge; that it is a very meritorious case; that she is very, very poor and dependent upon public charity for support; that she lost two sons in the Army, and her husband died some years ago leaving no estate whatever. Her husband was old and decrepid when he died and unable to earn anything.

In view of all the facts in this case your committee are of opinion that the real dependence of the mother may reasonably be inferred in this case, and therefore recommend the passage of the bill.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1408.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

The Committee on Pensions, to whom was referred the petition of David E. Ford, praying for a pension, respectfully submit the following report:

The petitioner served as a private in Company K, Two hundred and ninth Pennsylvania Volunteers, and claimed a pension on the ground that he received an injury to the lower part of his spine and left thigh while driving an ambulance wagon, by being thrown from a horse. His claim was rejected because, in the opinion of the Pension Office officials, he did not show that he had received such an injury in the service and line of duty.

There have been three investigations of this case by different special examiners, the last one of which sums up his conclusion in these words:

> This claim is a fraud, and without the least taint of merit.

The evidence of his comrades is very unsatisfactory, and the testimony of the second lieutenant of claimant's company is very much against his claim.

There are no new facts, nor any additional evidence, presented to support this petition. Your committee, therefore, report it back adversely, and ask to be discharged from its further consideration.

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H CONGRESS, 2d Session. } SENATE. { REPORT No. 1409.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2627.]

he Committee on Pensions, to whom was referred the bill (H. R. 7) granting a pension to Noah Caton, have examined the same, and ort, recommending its passage.

he House report contains the following facts:

[House Report No. 1154, Forty-eighth Congress, first session.]

his bill was before the Committee on Invalid Pensions of the Forty-sixth and y-seventh Congresses, and was favorably considered by both committees.

pon a re-examination of the claim your committee have reached the same favora- conclusion, and as the facts and conclusions are fully set forth in former report, again adopted as the report of your committee herewith appended, and recom- d the passage of the same.

[House Report No. 509, Forty-seventh Congress, first session.]

his bill was before the Committee on Invalid Pensions of the Forty-sixth Congress, hom the subject was referred and favorably considered, which report we now end and adopt as our own:

The claimant, Noah Caton, enlisted on the 27th of September, 1861, in Company Eighty-fifth Regiment of Pennsylvania Volunteers, and was honorably discharged he 25th of September, 1862, by surgeon's certificate of disability (partial paralysis). filed an application for a pension, alleging that in line of duty at Yorktown, Va., lay, 1862, he received a shell injury, resulting in a large tumor in the right side, ch disables him from manual labor. His application was rejected on the 24th of ober, 1879, because 'no record of alleged injury or result, and the claimant states is unable to furnish medical testimony to show that the disability existed in rice.'

The commissioned officers of the company of which the applicant was a private all dead, and the whereabouts of the surgeon the applicant is unable to find, ough he has made diligent search to ascertain his residence.

The applicant produces Aaron Wicklow and John W. Dial, who testified, on the of April, 1879, that 'they were privates in Company H, Eighty-fifth Regiment of nsylvania Volunteers, and that Noah Caton was of the same company and regi- t, and that while the company was at the battle of Yorktown, Va., on the 15th of May, 1862, he was hit with a piece of shell in his right side, and, from the ts, there formed a gathering and originated a large tumor.'

Other evidence in this claim fully sustains this statement, and shows the claim- s disability.

Examining Surgeon Dr. S. S. Good, who on the 1st day of February, 1879, exam- the claimant, reports 'that in his opinion the disability did originate in the ice, and that he finds a large fatty tumor in the claimant's right side; measures ches in length and half as much in width;' and also says, 'the claimant feels ial paralysis of the entire right side.' He further says, 'I recommend one-half, er month.'"

view of the evidence, the committee are of the opinion that the claimant is enti- to a pension, and therefore recommend the passage of the accompanying bill.

C

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1410.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2538.]

The Committee on Pensions, to whom was referred the bill (H. R. 2538) granting a pension to Christiana Almier, have examined the same, and report as follows:

The committee find that Christiana Elmier is the mother of Frederick Elmier, who was a private soldier in Company I, Forty-ninth Regiment Ohio Volunteer Infantry, and died January 17, 1875. The claim for pension in this case is "gunshot wound in right knee received at the battle of Chickamauga, Ga., on September 19, 1863, and was finally discharged from the service June 29, 1864, by reason of said wound."

The claim was rejected by the Pension Department on the ground that the soldier's death was not the result of gunshot wound for which he was pensioned, as alleged. The testimony is clear in this case that Frederick Elmier was disabled to a pensionable degree, and as long as he lived he received a pension of $4 a month. Frederick Elmier enlisted August 26, 1861, and was discharged from the service June 29, 1864, by reason of wound received as stated.

The question is, did Frederick Elmier die from the effects of the wound of knee received at Chickamauga, Ga.? The following affidavit of Dr. Anton Schiebenzuber, of Dayton, Ohio, made July 31, 1880, reads as follows:

> I am a practicing physician, and have been for fifteen years, and was well acquainted with Frederick Elmier, late a private in Company I of the Forty-ninth Regiment, Ohio Volunteer Infantry. I attended him four months previous to his death, and found him suffering from disease of the spinal cord, caused by a gunshot wound through the right knee, effecting destruction of the nervus cruralis, and in consequence of the constant irritation of the scar, a chronic inflammation of this nerve and finally of the spinal cord, ending in the destruction of the vitality of this cord, and was, in my opinion, the only and last cause of the death of said Frederick Elmier. I have no interest in the case, and am not concerned in its prosecution.

Christiana Elmier has made several affidavits to the effect that her son was a strong, healthy man previous to enlistment, and there was no evidence of any other trouble, except his wound, at the time of his death. She is corroborated by many witnesses as to his condition previous to enlistment, and several express the non-professional opinion that nothing else could have been the matter at the time of his death but the wound received while in the service of the United States. Dr. Anton Schiebenzuber is vouched for as being a man of excellent profes-

sional standing and personal reliability. Frederick W. Beck, on the 18th day of August, 1882, made affidavit as follows:

In my business of undertaker I laid out the body of Frederick Elmier preparatory to burial, and found that the right leg at the knee was very much swollen and of black and blue color. Further than that, at this time, the attending physician, Dr. Anton Schiebenzuber, said to me that the death of said Elmier was caused by a gunshot wound of the knee received while in the service of the United States.

The testimony is clear that the claimant was entirely dependent upon her son for support, and is now very poor. There is no testimony to contradict the testimony of Dr. Anton Schiebenzuber, and all testimony is favorable to the claimant. The last examination of surgeons certifies that—

Frederick Elmier is totally disabled. Inflammation exists with periodical swelling and constant pain, together with weakness of knee-joint, rendering him unable to perform manual labor.

Your committee recommend the passage of the accompanying bill.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1411.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3355.]

The Committee on Pensions, to whom was referred the bill (H. R. 3355) granting a restoration of pension to Mary Mulholland, have examined the same, and report, recommending its passage.

[House Report No. 1883, Forty-eighth Congress, first session.]

Mary Mulholland is the stepmother of Robert Mulholland, of the One hundred and eighty-third Ohio Volunteer Infantry, and had the entire care, custody, and control of said Robert from his infancy, and supported him, by her own hard labor, until he was grown to manhood, when he became her sole support until and at the time he enlisted in the army, and thereafter until he was taken prisoner at Franklin, Tenn., and died in prison at Andersonville, Ga. She applied for a pension, which was granted to her, as the mother of said Robert, to whom she had always sustained that relation, and in the belief that she was entitled to such pension as the mother of said Robert. Her claim to pension was allowed and a certificate therefor was issued, but before it was delivered to her the fact that she was a stepmother becoming known, the certificate was withheld.

That the claimant was dependent upon her own labor after the death of her husband, the soldier's father, in 1852; and that the stepson, as soon as he became old enough to earn a living, did aid very materially in the support of his stepmother, was clearly shown by the evidence originally in the case, and fully confirmed by the testimony taken by the special examiner in 1882.

The general pension laws, although providing for pension in case of mothers and other near relatives, who were dependent upon a soldier, exclude stepmothers, no matter how much they may have been dependent upon a soldier stepson, and therefore the action of the Pension Office in refusing a pension to the claimant was proper. But your committee are of opinion that in cases like the one under consideration the relief denied by the general law should be granted, and therefore report favorably on the bill, amended, however, by striking out all after the word "assembled," in line 2, and insert therein instead the following words: "That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the name of Mary Mulholland, under certificate one hundred ninety-three thousand four hundred and three," and thus amended ask that it do pass.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1412.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1219.]

The Committee on Pensions, to whom was referred House bill 1219, granting a restoration of pension to Charles Hendrix, have examined the same, and report, recommending passage of bill.

The House report shows the facts as follows:

[House Report No. 1796, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1219) granting a pension to Charles Hendrix, have had the same under consideration, and beg leave to submit the following report:

Charles Hendrix enlisted May 25, 1861, in Company H, Second Regiment of Michigan Volunteer Infantry, and was mustered into the service on the day of enlistment. He was present for duty until February 28, 1862. In March and April of 1862, he was sick in hospital at Annapolis, Md., and was treated for ophthalmia. He was discharged from the Army May 12, 1862.

He enlisted again in Company B, Sixteenth Regiment Michigan Volunteer Infantry, February 3, 1864, and was discharged December 12, 1864, by reason of total loss of sight, from Satterlee general hospital, West Philadelphia, Pa.

His claim for pension was rejected April 13, 1877, on the ground that disease of eyes existed previous to enlistment.

He alleges in application filed March 29, 1866, that while on duty at Brandy Station, Va., in the month of March, 1864, he became totally blind from catarrhal ophthalmia.

Frank Powers, commanding Company B, Sixteenth Michigan Infantry, makes affidavit:

"The claimant in the line of his duty contracted total blindness, resulting from catarrhal ophthalmia, acquired while on duty at Brandy Station, Va., about the middle of March, 1864."

Dr. I. I. Hayes, surgeon of the regiment, says, in affidavit, that he "found claimant disabled December 12, 1864, because of total loss of sight, resulting from catarrhal ophthalmia, contracted while on duty at Brandy Station, Va."

Louis Dillman, captain of Company A, Second Regiment of Michigan Volunteer Infantry, says, in affidavit made September 11, 1871:

"I am well acquainted with Charles Hendrix, late a private of Company H, Second Regiment Michigan Infantry. He was in good health and free from any disease of the eyes at the time of his enlistment."

John Leidlein, second lieutenant of Company H, Second Regiment Michigan Volunteer Infantry, in testimony given December 1, 1863, says:

"The claimant, while on picket on Munson's Hill, engaged in a skirmish with the rebels, was, to his own personal knowledge, hurt in the eyes by a flash of gunpowder from a gun near by him."

William Kydd, late first lieutenant of Company C, Sixteenth Regiment of Michigan Volunteer Infantry, in testimony given in the year 1869, says:

"On or about the 25th day of April, 1864, the claimant was affected with a severe swelling of the face, caused from exposure and fatigue and from catching cold, which settled in his eyes, causing him to become totally blind."

On January 11, 1870, William Downer, a private of Company B, Sixteenth Michigan Volunteer Infantry, says he was personally acquainted with Charles Hendrix, of said company and regiment, and that during the last part of February, 1864, the claimant was affected with a severe cold, caused from exposure and fatigue while on duty, which caused inflammation of both eyes and resulted in total blindness.

Thomas R. Luckey, a sergeant and second lieutenant of Company E, Sixteenth Michigan Regiment; James De Foe, captain of Company F, Sixteenth Michigan Regiment, and two comrades, John Reardon and William Barnes, all testify substantially the same as affidavits already quoted.

At a special examination conducted March 22, 1877, some evidence was obtained tending to show that the claimant had been afflicted with sore eyes previous to enlistment, but even this evidence is not free from suspicion.

Considering the facts that the surgeon of the regiment he was last a member of, two captains, and two first lieutenants, two second lieutenants, and three comrades all testify to his becoming blind in the winter or spring of 1864, while in the service, and from exposure and fatigue, such testimony ought certainly to outweigh the testimony obtained at a special examination held in 1877, when but little was really obtained to controvert the testimony of the officers and comrades of his regiment, which was given only a few years after his misfortune happened to him.

In the opinion of your committee this is a meritorious case, and the passage of this bill is recommended.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1413.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5374.]

The Committee on Pensions, to whom was referred the bill (H. R. 5374) granting a pension to Phillip Wiggins, have examined the same, and report, recommending passage of the bill.

The House report is as follows:

This applicant was undoubtedly enlisted, was wounded at Olustee, Fla., in an engagement, and honorably discharged. Some technical difficulties arose in his case, owing to the fact that he did not go to the post hospital, and that the surgeon who attended him cannot now be found. But that he was wounded, and is still incapacitated for arduous labor, is positively stated by Representative O'Hara, who is personally cognizant of the facts, and we recommend the passage of the bill, amending it by striking out the amount. The wound was a gunshot wound in the hip.

Mr. O'Hara, a member of Congress from North Carolina, affirms the honesty of this man from his personal knowledge for a long time, and we believe the soldier entitled to the pension.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1414.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4079.]

The Committee on Pensions, to whom was referred the bill (H. R. 4079) granting a pension to James D. Kirk, have examined the same, and report, recommending passage of the bill.

[House Report No. 1720, Forty-eighth Congress, first session.]

It appears from the papers on file in the Pension Office that James D. Kirk, while serving as a private in Company B, One hundred and sixty seventh Regiment West Virginia Militia, and returning with his command to Lawrence County, Kentucky, from a scout to Logan County, West Virginia, was accidentally wounded in right hand by the discharge of his gun, while in the act of passing it through a fence. The ball passed through the palm of the hand, fracturing the middle metacarpal bones, causing the drawing up and consequent shortening of the fingers.

The fact of the injury and its incurrence in line of duty is fully shown by the affidavit of the officer and others of the command. The date of the injury is given as November 25, 1862. After recovery from the wound Kirk became a member of Company I, Thirty-ninth Kentucky Infantry, and served from August 28, 1863, until mustered out, a first sergeant, September 15, 1865.

The claim has been rejected by the Pension Office because the applicant at time of injury was not in the service of the United States.

The command to which claimant belonged it is true was a State organization, but its services were valuable to the Government, and in fact the militia of the several States were co-operating with the forces of the United States in the suppression of the rebellion, and their services are recognized in the pension laws for wounds or injuries received while in an engagement, provided the claim was prosecuted to a successful issue prior to July 4, 1874.

This, as well as preceding Congresses, has recognized the services of the militiamen by granting pensions for those who are excluded from the provisions of the general pension laws, and, believing this case to be meritorious, your committee report favorably on the bill, and ask that it do pass, amended, however, by striking out all between the word "Kentucky," in line 5, and the word "in," in line 7, and insert therein instead the words "late of."

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eased in the lumbar region of the spine; that he was not able to stand erect, bu was bent over to almost a right angle, with constant pain and tenderness the whol length of spine. He was entirely unfit for labor of any kind, but was able to wal around with a cane. He had frequent attacks of lumbago. He at such times wa confined to bed, but would go out again in a short time. These attacks graduall grew worse. January, 1870, he was taken down with so-called lumbago. He die after an illness of eighteen days, of pleuro-pneumonia, which was induced from ex tension of inflammation from the spinal vertebra, which was more or less in a chroni state of inflammation for a number of years; learned from the soldier and comrade that while he was lifting a gun-carriage out of the mud he felt something give awa in his back, with perceptible click or snap, to him, and that he dropped helpless t the ground and was carried to the hospital; came home in the condition described

"This physician gave his death as pleuro-pneumonia, from the symptoms describe as above.

"Your committee find that the deceased soldier went into the service a sound, health man; that he received an injury in the service which resulted in a permanent dis bility; that he died, as stated by the physician, from a disease attributable to the in jury which he received in the service.

"Your committee are of the opinion that he was properly entitled to a pension They therefore report favorably upon the prayer of the petitioner, and recommen the passage of the bill granting a pension to Mary A. Land."

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1416.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7869.]

The Committee on Pensions, to whom was referred the bill (H. R. 7869) granting a pension to Emeline L. Fitch, have examined the same, and report:

The facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 2320), as follows:

We find that Emeline L. Fitch is the widow of John T. Fitch, late of Company D, Seventh Indiana Volunteers. This soldier was wounded February 22, 1864, at the battle of Okolona, Miss., by a gunshot wound in the right shoulder, the ball penetrating the lung. In 1866 he applied for and received a pension. His death occurred May 23, 1882, from an overdose of opium taken to relieve pain arising from his wound.

C. C. Miles testifies:

"I knew John T. Fitch for more than six years before he died; a part of the time I lived in the same house with him, and was on intimate social terms with him almost daily for the entire time. I knew from my first acquaintance with him that he had been wounded in the Army, and that he suffered from the effects of said wound—sometimes intensely—almost to the affecting of his mind. I knew that he was in the habit of taking opium at such times to allay pain, but as he was a regular practicing physician, and of good reputation as such, I never thought of his using morphine as a regular habit."

L. B. Leach testifies:

"I was acquainted with Dr. John T. Fitch for about one and one-half years before he died. Lived in the same house he did, and saw and talked with him nearly every day. He often talked of having been wounded in the Army, and complained of very severe pains arising from the wound. He also told me that he had to resort to taking morphine to allay the pain. He was a practicing physician of good reputation, and if he had had good health could have a large practice. I never heard him complain of any ailment or pain except what he attributed to his wound."

Dr. A. P. Woodward, a regular practicing physician, testifies that he

"First treated Dr. Fitch on the morning of May 23, 1882. Found his comatose and in a dying condition, evidently from the effects of an overdose of morphine, from which he died in about two hours. He had often stated to me that he suffered greatly from a wound in the right shoulder, and that he was compelled to use morphine to allay the pain."

Dr. John M. Jennings, a regular practicing physician, says:

"Was first called to see Dr. John T. Fitch on the morning of the 23d of May, 1882. Found him comatose, and in a dying condition, the effects of an overdose of morphine, as we supposed. He died within a hour after I was called; said Dr. Fitch was in the habit of using morphine for the relief of pain resulting from a gunshot wound."

Dr. Fitch left his widow with three daughters to provide for, the youngest being then six and the oldest twelve years of age. The Pension Office rejected the case because the soldier's death was not the result of his military service. This soldier

offered his life in the defense of his country's flag. He returned from that service wounded, a physical wreck; his usefulness in life impaired, and his ability to provide for himself and those who might be dependent on him greatly lessened. Your committee, believing that it is the duty of the Government to provide for his widow and children, recommend the passage of this bill.

Your committee are of opinion, from all the facts in this case, that the death of the soldier was, though it may be indirectly, a legitimate result of his Army service and disability. The bill is therefore reported with a recommendation that it do pass.

48TH CONGRESS, 2d Session. } SENATE. { REPO No. 1417.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1898.]

The Committee on Pensions, to whom was referred the bill (H. R. 1898) granting a pension to Harriet Armstrong, have examined the same, and report:

The facts in this case are briefly set forth in the report of the House Committee on Invalid Pensions (House Report No. 2265), as follows:

The husband of the claimant enlisted in Company E, One hundred and third Indiana Volunteers, an organization called into the service for the purpose of resisting the raid of General John Morgan through the States of Indiana and Ohio. Neither he nor the organization to which he belonged was regularly mustered into the service of the United States, but served during the short period of service under the command of officers of the United States and as an auxiliary force for the purpose mentioned. While so serving he received an injury, from the effects of which he afterwards died. His widow applied for a pension, and her claim was rejected upon the technical ground that he had not been mustered into the service of the United States. His claim was in other respects well proven in the Pension Office.

There are numerous precedents for the granting of a pension in such cases, and your committee recommend the passage of the bill.

Your committee concur in the above report, and recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1418.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2540.]

The Committee on Pensions, to whom was referred the bill (H. R. 2540) granting a pension to Priscilla J. Small, have examined the same, and report:

The facts in this case are set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House report No. 2075) as follows:

Andrew L. Small was commissioned first lieutenant of the First Regiment Ohio Volunteer Cavalry March 18, 1865, but first enlisted on the 27th day of August, 1861, in Company I, First Regiment Ohio Volunteer Cavalry. He was finally mustered out of the service September 13, 1865. His record as a soldier is excellent. He died at Piqua, Ohio, November 4, 1874, and the claimant was granted a pension at the rate of $17 per month from November 4, 1874, the date of her late husband's death, and increased $2 per month from the same date on account of one child under sixteen years of age at the date of the soldier's death.

The pension was originally granted upon the following evidence:

John B. Small, on November 25, 1878, in an affidavit, made oath as follows:

"I was duty sergeant in Company I, First Ohio Volunteer Cavalry, in the war of the rebellion. My brother, Andrew L. Small, was acting first lieutenant of same company. We served together over four years. I was with him before and at the time of the departure of said company from Hilton Head, S. C. My brother was afflicted with a dry, hacking cough during the most of our stay at Hilton Head, and had occasional fever, but did not call on or was not attended by the surgeon of the regiment or any other physician. I went with him from Hilton Head to New York by ship, and from thence to Columbus, Ohio, where we were discharged from the service at Camp Chase. All through the journey he was afflicted with a dry, hacking cough and occasional fever, and his expressed determination to bring the company home deterred him from employing a physician. The cause of the disease was exposure in the service, which increased gradually until we left Hilton Head, and was further aggravated by the crowded condition of the ship to New York and traveling in crowded box-cars from New York to Columbus, Ohio. Upon our arrival at home, in Piqua, he employed his old family physician, Dr. H. H. Smiley, who treated him before we separated. My brother never recovered from the disease above mentioned."

In a subsequent affidavit the same witness testified as follows:

"I was associated with Andrew L. Small almost continually after our return home, seeing him every week and sometimes oftener, until his death, and the disease which he had on returning home gradually increased until the time of his death."

Dr. H. H. Smiley, under date of November 30, 1878, testified as follows:

"I was called to prescribe for Andrew L. Small September 14, 1865, and found him suffering from attack of lung fever; found inflammation greater in the left lobe of lung. The case became chronic, and the patient was unable to take any exercise requiring effort, for five or six weeks. Bronchial respiration became apparent with dullness and more or less hectic fever. About the end of three months hepatization of left lobe of lung and adhesion followed. At the end of the first year the patient became able to attend to light duties, but continually suffered more or less pain; he was obliged to quit his occupation as a carpenter, and tried to work upon a farm,

but was never able to perform hard labor without bringing on palpitation of the heart. He suffered from night sweats, and there was never a lapse of six months but I was called to treat him. He continued in this condition until the last year of his life, when he became feeble and short of breath, could not breathe easily during the night, and was often obliged to sit up in bed. In the fall of 1874 he became confined to his bed and died on the 4th day of November, 1874. The immediate cause of his death was diffused suppuration of the lungs, diarrhœa, and prostration consequent upon previous diseased condition."

G. W. Enbody and William F. Blood, comrades in Andrew L. Small's company, testify that—

"He had sickness and fever on his way from Hilton Head to New York, and from New York to Columbus, Ohio. The steamer was greatly crowded, and from New York to Columbus they rode in crowded box-cars."

J. M. Sellenberger, another comrade, under date of November 30, 1878, testifies:

"On what was known as Wilson's raid, in March, 1865, from the Mississippi to the Atlantic, Andrew L. Small was attacked with disease of the lungs which manifested itself by almost constant coughing and some fever, and this condition seemed to increase until we were discharged from the service. He was a sound man previous to enlistment."

W. F. Blood, another comrade, testifies:

"I was with Andrew L. Small on the Wilson raid, and heard him complain of trouble with his lungs, and he had a hacking cough and fever. Was with him on the journey home, and he was sick all the way home, and from that time to the date of his death never recovered his health."

Charles Wolfram, another comrade, testifies in substance the same as affidavits already quoted of other comrades.

Casper Miller and Charles W. Alexander, both neighbors, testify that—

"We were intimate with Andrew L. Small while in the Army, and lived near him from the time of his return from the Army until the date of his death. When he returned from the Army he was afflicted with a lung disease manifested by a severe cough, from which he never recovered, but grew gradually worse until the date of his death. There were times when he would be relieved temporarily, but not long at a time, and he always complained of disease of the lungs."

Dr. Kitzmiller, of Piqua, Ohio, May 21, 1878, testified:

"I knew Andrew L. Small to be a sound and healthy man previous to enlistment. I saw him after his return from the Army, and he had the appearance of one suffering from some organic disease, and he grew worse until his death in December, 1874. Dr. H. H. Smiley was his physician."

Against this great array of testimony, given by so many comrades and neighbors, a special examiner was sent in the summer of 1883, and upon his report Mrs. Priscilla J. Small was dropped from the pension rolls. Some testimony was obtained tending to show that the immediate cause of Andrew L. Small's death was not what has been stated by his family physician and friends. In commenting upon this examination Stephen Johnston, an attorney of Piqua, Ohio, who stands above reproach both for integrity and ability, wrote to the Pension Department, August 20, 1883:

"I demand an investigation of Special Examiner Edmunds, and charge that in the pension case of Priscilla J. Small—

"1. That before he took any evidence in the case he declared in the presence of reputable witnesses that he would set aside this pension, no matter how much evidence she was able to produce.

"2. Because in taking the evidence he attempted to suppress evidence material in the case.

"3. Because he disregarded the usages of courts in taking evidence.

"4. Because he acted as a detective instead of a judge.

"5. Because he sought to obtain the testimony of witnesses that he knew to be swift and unfair in their evidence."

Your committee has examined this case with great care, and the conclusion is that Special Examiner Edmunds, in preparing his report, seemed to ignore the rights of the pensioner in order to gratify his desire to make a personal attack upon worthy and reputable persons, toward whom he had obtained a personal dislike, and who, since his report, have been vindicated from all the charges he saw fit to make.

The charges made your committee have not deemed it necessary to repeat, because they have been triumphantly disproved in a court of justice.

The passage of the bill is recommended.

In view of all the circumstances in this case your committee recommend the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1419.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7696.]

The Committee on Pensions, to whom was referred the bill (H. R. 7696) granting a pension to Thomas D. Fitch, have examined the same, and report:

The facts in this case are fully set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 2344), as follows:

That the records of the War Department show Thomas D. Fitch as having entered the service as assistant surgeon Forty-second Illinois Volunteer Infantry, November 26, 1861, and that he was honorably discharged the service upon tender of his resignation April 27, 1863.

It appears from the evidence on file in the Pension Office that Dr. Fitch is suffering from heart disease and partial paralysis, the result of a severe attack of typhoid fever contracted in the service. The examining board report him totally disabled.

The claim is stated by the Pension Office to be inadmissible, alleging that claimant was not in the service when disease was contracted, as per the following letter, dated 27th August, 1884:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., August 27, 1884.

SIR: Referring to your invalid pension claim, you are advised that you were not mustered in as surgeon of Forty-second Illinois Volunteers until January 12, 1862. The record shows you sick with typhoid fever January 1, 1862, and Surgeon Lackey testifies he treated you for said disease in December, 1861. Therefore your claim is inadmissible for the reason you were not in the United States service at the time you contracted your alleged disability.

Your remedy lies with the Adjutant-General, U. S. A.

Very respectfully,

W. W. DUDLEY,
Commissioner.

Dr. THOMAS D. FITCH,
296 *W. Monroe Street, Chicago, Ill.*

The record of Dr. Fitch's service, as it appears upon the rolls of the War Department, is as follows:

[Extract from the report of the Adjutant-General, U. S. A., to the Commissioner of Pensions.]

* * * It appears from the rolls on file in this office, &c., that Thomas D. Fitch was mustered into the service of the United States as surgeon of Forty-second Regiment Illinois Volunteers, to date January 12, 1862.

On the muster-roll of field and staff of that regiment for the months of January and February, 1862, he is reported absent sick at Kewanee, Ill.; *same on return February, 1862, with additional remark, "since February 6, 1862."* Subsequent rolls to June 30, 1862, present. August 31, 1862, absent on special duty since August 26, 1862. Subsequent rolls to December 31, 1862, present; February 28, 1863, on detailed service at

Murfreesborough, Tenn., January 7, 1863. Regimental return, January, 1862, present, sick; station January 31, 1862, at Smithton, Mo. Regimental records and books are incomplete, and furnish no evidence of disability. No regimental hospital records on file.

The following is a copy of surgeon's certificate on which he was granted leave of absence thirty days:

"SAINT LOUIS, MO., *February* 7, 1862.

"I do hereby certify that I have carefully examined Assistant Surgeon T. D. Fitch, of Forty-second Illinois Volunteers, having applied for a certificate on which to ground an application for term of absence, and find that he has suffered from an attack of typhoid fever since the 1st day of January, 1862, and that in consequence thereof he is, in my opinion, unfit for duty. I further declare my belief that he will not be able to resume his duties in a less period than thirty days.

"PETER SCHENCK,
"*Assistant Surgeon, U. S. A.*"

He cannot be mustered in as assistant surgeon Forty-second Illinois Volunteers, there being no evidence that a commission as such was ever issued for him; but his name appears on roll of *field and staff for November and December*, 1861, *as assistant surgeon, present.*

Appointed assistant surgeon November 26, 1861, *vice* Rolla, transferred to the Fifty-fifth Illinois Volunteers. * * * Resignation accepted April 27, 1863.

In communication from the Surgeon-General's Office to the Commissioner of Pensions it appears that Dr. T. D. Fitch "is reported on returns of medical officers serving in the Army of Central Missouri for the month of January, 1862, as on sick leave. Station of regiment, Camp Worth, near Smithton."

It appears from the foregoing record that Dr. T. D. Fitch was in the service from November 26, 1861, and is shown on the record to have been present and performing his duty as an assistant surgeon Forty-second Illinois Volunteers during the months of November, December, 1861, and to January 12, 1862, when he was mustered in as a surgeon of said regiment.

It also appears that Dr. Fitch was not commissioned or mustered as an assistant surgeon, but that he was in service and performing duty with his regiment from November 26, 1861, to date of sickness, on or about the 1st of January, 1862.

It also appears that while performing service as an assistant surgeon and in the line of duty, on or about January 1, 1862, at Smithton, Mo., he was taken with typhoid fever, induced by the malaria of the locality and overcrowded condition of officers and men in barracks; that he was ill some six weeks, and that the disease left him prostrated and induced heart complications, from which the evidence shows he has continuously suffered, which culminated in embolism in 1880 and hemiplegia. It appears that he continued in service and performed duty until April 27, 1863.

Dr. Fitch in his statement represents that he was appointed, as he believed, regularly to the position by Colonel Webb, commanding the regiment, and that he entered upon the duties of his office, served with his regiment from the date of appointment, November 26, 1861, to date of muster; that he went to the field with his regiment, was recognized, was given leave of absence, and in all respects acted and was respected as an officer of the command; that his ignorance of Army regulations, his confidence of his commanding officer, who was from the regular service, prevented him from making any inquiry as to the regularity of his appointment. That the record shows him to have been appointed assistant surgeon to take the place of Assistant Surgeon Rolla, who was transferred to the Fifty-fifth Illinois Volunteers.

It appears to your committee that Dr. Fitch was in the service of the United States as an assistant surgeon; that he performed the duties of the position in the field, and that he was stricken down with sickness while in that service and in the line of duty.

The evidence is conclusive that he was in robust health prior to and at the time of his entry into the service.

While the rejection by the Pension Office of this claim is technically correct, yet, as the officer was performing service for the United States in good faith at the date of his disability, he is, nothwithstanding the fact that he was not mustered, entitled to come within the provisions of the pension laws, and your committee recommend that the bill do pass.

Your committee concur in the above report and report back the bill, with a recommendation that it do pass.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1420.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5925.]

The Committee on Pensions, to whom was referred the bill (H. R. 5025) granting a pension to Margaret A. Berry, have examined the same, and report:

The facts in this case are briefly stated in the report of the House Committee on Invalid Pensions (House Report No. 2048) as follows:

The claimant, Margaret A. Berry, is the lawful widow of William M. Berry, who enlisted as a private soldier in the Eighteenth Indiana Infantry, in the year 1861, and afterwards was promoted to a lieutenant, and resigned in 1864, returning to his home and family only to remain a short time (about sixty days), when he again enlisted, this time in Company I, Tenth Indiana Cavalry. His captain, James E. Mathers, testifies—

"That the said Berry was a man somewhat addicted to drink, but nevertheless was an excellent soldier and a man of fine business qualifications, and with kind treatment seemed to be very manageable. On account of superior business tact and qualifications he was detailed by George R. Swallow, colonel commanding the regiment, as acting commissary sergeant of the regiment, the duties of which post he discharged with credit to himself and regiment while Colonel Swallow retained command."

Afterward Maj. Thomas G. Williamson had temporary command, and he reduced Berry to the ranks by a public order. The disgrace from this seemed to bear so heavily on the soldier's mind that he never seemed the same man afterwards.

The evidence declares the fact that about 4 o'clock on the morning of the 25th of July, 1865, Berry was found dead about 20 feet from his tent with a gunshot wound through the head. The evidence also discloses the fact that for about ten days previous to this time Berry was insane, and the said wound was supposed to have been inflicted by his own hand.

Captain Mathers further testifies in the following language:

"While I believe that strong drink may have been one of the causes leading him to insanity, I at the same time believe that the mortification and disgrace felt on account of the public order referred to had much more to do with bringing on insanity than anything else."

The evidence shows that the said Berry was a sound man when he entered the service, and that he was a good soldier, and that he served faithfully for about four years. The claimant is very poor and oftentimes in want for the necessaries of life, and is now well along in years.

In view of all the circumstances, your committee think this a deserving case, and recommend the passage of the bill.

The claim in this case was rejected by the Department "on the ground that the cause of the soldier's death was not attributable to his military service;" in other words, because it is alleged that he committed suicide. A careful examination of the evidence fails to show conclusively that he did shoot himself, although it may be reasonably inferred. The testimony shows him to have been a long time in the service, and that he died in the service. The widow is old and poor.

In view of all the facts your committee recommend the passage of the bill.

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DONGRESS, } SENATE. { REPORT
Session. } { No. 1421.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

ULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3994.]

lommittee on Pensions, to whom was referred the bill (H. R. 3994) nting a pension to William Strickland, have examined the same, and ort:

e facts are briefly stated in the report of the House Committee on lid Pensions (House Report No. 2098) as follows:

> claim is now pending in the Pension Office, and has not been allowed because ck of medical testimony. The said Strickland was second lieutenant of Com- G, Third Illinois Volunteers, in the Mexican war, and a lieutenant and two pri- together with other reliable witnesses, testify to the soldier's disability.
> n the evidence the committee have no doubt that the claimant is clearly en- to the pension, and the passage of the bill is recommended.

ur committee, after a careful review of all the evidence in this case, : that the disability from piles now existing is traceable to the serv- Several witnesses testify to its incurrence and continuance since . This case was rejected on the ground that there was no disabil- out the last examination shows him to be three-fifths disabled. In of all the facts your committee recommend the passage of the bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1422.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1127.]

The Committee on Pensions, to whom was referred the bill (H. R. 1127) granting a pension to Anson B. Sams, have examined the same, and respectfully report:

Claimant enlisted in Company A, Second North Carolina Volunteers, in September, 1863, and was discharged on the 14th of August, 1864, having been in the service about eleven months. Claimant states that in December, 1863, he became disabled by hernia and loss of eyesight because of exposure, and that he is unable to furnish medical testimony as to his disability because of the fact that at that time he was acting as assistant surgeon of the regiment and treated himself, and previous to this disability he never had a physician to prescribe for him.

The claim was rejected by the Commissioner of Pensions on the ground that "the disability was not incurred in the service."

The certificate of discharge states that the soldier had been unfit for duty for four months on account of hernia contracted before entering the service.

There appears to be no doubt that the hernia was contracted before enlistment, and there is no record evidence of any other disability, and claimant is unable to produce testimony to show any other disability contracted in the service or medical testimony that he was treated for any other disability.

Your committee are of the opinion that there is not sufficient evidence to entitle the claimant to the relief asked for in the bill, and therefore recommend its indefinite postponement.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1423.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5215.]

The Committee on Pensions, to whom was referred the bill (H. R. 5215) granting a pension to Orlando Culver, have carefully examined the same, and respectfully report:

The claimant enlisted May 10, 1861, and served until March 6, 1862, when he was discharged for rheumatism, the "certificate of disability for discharge" stating that claimant had sometimes had rheumatism before his enlistment, but claimed to have been well at the time of enlistment.

Claimant applied for a pension May 21, 1880, and his claim was rejected March 21, 1883, upon the ground that "the record made by the surgeon who examined him for discharge showed that the disability existed before enlistment and that the Milwaukee medical examining board reported against him on the ground that the members thereof could not find that he was afflicted as claimed."

There is considerable evidence in the case prior to January 24, 1883, showing that the claimant had been afflicted with rheumatism, and if the disease had continued that claimant might have been entitled to a pension, but the last certificate of examination, dated January 24, 1883, is as follows:

> It seems impossible to this board that a man presenting such a perfectly healthy appearance should have suffered from a disabling neuralgia of the stomach, or any other part of the body, for twenty-one years. The organs of circulation, respiration, and digestion are found to be in a normal condition; no structural changes are apparent in the bones, muscles, or tendons.

The examining board rated him at no disability.

Your committee are of the opinion that as the last medical examination of the claimant showed that he was in a healthy condition, and that no disability existed, that the claimant is not entitled to the relief asked for in the bill, and therefore recommend its indefinite postponement.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1424.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5941.]

The Committee on Pensions, to whom was referred the bill (H. R. 5941) for the relief of Martha Lawson, respectfully report:

The applicant in this case and her son were slaves prior to the emancipation proclamation and were residents of Mason County, Kentucky.

In May, 1864, Albert Lawson, the claimant's son, was sworn into the military service of the United States and sent to camp near Nashville, Tenn., with other colored troops, and it is claimed that eight or nine days after he went into camp he was killed by the accidental explosion of a shell, and that up to the time of his death he had not been assigned to any regiment or company, and for that reason his name does not appear upon the records in the office of the Adjutant-General.

The claimant filed her application for pension on October 18, 1879, as the dependent mother of the deceased soldier. The claim was rejected by the Commissioner of Pensions on the ground that—

> The applicant alleges that the soldier was killed at the battle of Nashville, in May, 1864. The Adjutant-General of the United States Army, on the contrary, reports that the soldier was mustered out November 18, 1865, and the Second Auditor reports that the soldier filed a claim for back pay and bounty, July 17, 1879, in which he gave his post-office address as Ripley, Ohio.
>
> The claim is, therefore, inadmissible on the ground that the service and death as alleged, are not substantiated by the official records.

The applicant claims that her son was a private in Company K, One hundredth Regiment of United States Colored Troops. It appears from the report of Adjutant-General that he was a member of Company A, One hundred and twenty-first Regiment of United States Colored Troops, and was transferred to Company G, Thirteenth United States Colored Artillery, and was borne on the rolls of that company from June 23, 1865, to August 31, 1865, and was mustered out of service with the company at Louisville, Ky., on November 18, 1865.

There is on file in the papers the affidavit of two colored comrades, stating that the soldier was killed at Nashville, Tenn., in 1864, by the bursting of a shell. This evidence is contrary to the record.

There is no evidence on file showing that the soldier had ever contributed to the support of the mother.

Your committee are of the opinion that the evidence in this case is too vague and uncertain to justify recommending the passage of the bill, and therefore recommend its indefinite postponement.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1425.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7501.]

The Committee on Pensions, to whom was referred the bill (H. R. 7501) granting a pension to Hector W. Summers, respectfully report:

The applicant claims to have enlisted on December 25, 1861, in the Twenty-sixth Regiment, Kentucky Volunteers, and on the day of his enlistment was sent out on a recruiting expedition, and was stationed at Boyer's Ferry, on the Green River, Kentucky, where he was captured about January 1, 1862, by the Confederates, and conveyed to Bowling Green, Ky., and afterwards to Salisbury, N. C., where he remained about six months; and that upon his return he reported to Colonel Maxwell, of the Twenty-sixth Kentucky Regiment, and was sent home by said Maxwell because of his inability to enter upon duty; and that he remained an invalid until the close of the war; and that he was never regularly mustered into or discharged from the service so far as he knows.

The claim was rejected by the Commissioner of Pensions upon the ground that—

> There is no evidence from the War Department of the military service of the claimant and nothing as to the origin of the disease alleged, outside of the claimant's statement.

There is no evidence whatever on file in this case as to the military service of the claimant or as to the origin of the disability. There seems to have been no attempt to furnish evidence of service, from comrades or officers, or from any other source of information, or any effort to show that the cause of the disability originated in the service except the unsupported statement of the claimant.

Your committee are of the opinion that there is not sufficient evidence in this case to justify granting the relief asked for in the bill, and therefore recommend its indefinite postponement.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1426.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 891.]

The Committee on Pensions, to whom was referred the bill (H. R. 891) granting a pension to Reuben J. Ebberman, have examined the same, and respectfully report:

That Reuben J. Ebberman was commissioned colonel Sixty-second Regiment Enrolled Missouri Militia, August 4, 1863, to rank from September 3, 1862, and was honorably discharged March 12, 1865. June 4, 1880, he filed a declaration for pension, alleging "that while colonel of the organization aforesaid, in the service and in the line of duty, and while with a portion of his regiment stationed at Brookfield, Linn County, Missouri, on or about the month of October, 1864, he contracted rheumatism in his limbs and body, which became chronic," which was rejected December 22, 1882, on the ground that he was not mustered into the military service of the United States, the claim not having been filed prior to July 4, 1874.

It appears that the said Ebberman was in the militia service of the State of Missouri prior to the date of his commission as colonel of the Sixty-second Regiment of Missouri Enrolled Militia, dated August 4, 1863, and continued in that service up to the day of his discharge, in March, 1865, performing important service, but that the said regiment, of which he was colonel, was never mustered into the service of the United States.

In the application of Colonel Ebberman for pension, he states that while with a portion of his regiment stationed at Brookfield, county of Linn, Missouri, on or about October, 1864, he contracted rheumatism in his limbs and body, which became chronic; and the evidence supports the claim that the disability was contracted at that time. The only question is as to whether the claimant was at the time in the service of the United States or in the militia service of the State of Missouri. In support of the applicant's claim that he was acting under the orders of officers of the United States Army, reference is made to the special order of W. T. Clarke, lieutenant, aide-de-camp, and acting assistant adjutant-general, dated September 29, 1864, which is made part of this report.

And reference is also made to the order of W. T. Clarke, first lieuten-

ant and aid-de-camp to Colonel Ebberman, dated September 29, 1864, which is also made part of this report.

Your committee are of the opinion that there is no doubt about the disability of claimant, and also that there is sufficient evidence to show that he was acting under orders of the United States, and is entitled to relief as having contracted disability in the service of the United States, and recommend the passage of the bill.

[Headquarters, District of North Missouri, in the field, Howard County, Missouri.]

SEPTEMBER 29, 1864.

By authority this day received from his excellency Willard P. Hall, governor of Missouri, Col. R. J. Ebberman, commanding Sixty-second Regiment Enrolled Missouri Militia, is hereby ordered into immediate and active service, and will report with 400 men or more of his regiment, properly officered, with as little delay as possible, to Col. William Forbes, Forty-second Missouri Volunteers, at Macon City for duty. Each man will report mounted, if practicable, and with such arms, ammunition, and blankets as he may have or can be procured.

By order Brig. Gen. C. B. Fisk.

W. T. CLARKE,
First Lieutenant and Aid-de-Camp.

Col. R. J. EBBERMAN,
Sixty-second Enrolled Missouri Militia, Macon, Mo.

(Special orders, in the field.)

[Headquarters District of North Missouri, in the field, Howard County, Missouri.]

SEPTEMBER 29, 1864.

By authority received this day from his excellency Willard P. Hall, governor of Missouri, the following-named colonels, with their regiments, are hereby called into immediate and active service:

Col. ——— ———, Twenty-ninth Regiment, E. M. M.
Col. C. W. Parker, Thirty-seventh Regiment, E. M. M.
Col. Wm. A. Shelton, Forty-fifth Regiment, E. M. M.
Col. S. M. Wirt, Fiftieth Regiment, E. M. M.
Col. R. J. Ebberman, Sixty-second Regiment, E. M. M.
Col. Oliver P. Phillips, Sixty-sixth Regiment, E. M. M.
Col. C. H. Canfield, Sixty-seventh Regiment, E. M. M.
Col. G. W. Anderson, Forty-ninth Regiment, E. M. M.

Each of the colonels above designated will report with four hundred men of his regiment, properly officered, with as little delay as possible, to Brig. Gen. I. B. Douglass, commanding eighth military district of Missouri, headquarters at Mexico, Mo., for duty. Each man will report mounted, if practicable, and with such arms as he may have or can be procured.

By order of Brigadier-General Fisk.

W. T. CLARKE,
Lieutenant, Aid-de-Camp, and Acting Assistant Adjutant-General.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1427.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3751.]

The Committee on Pensions, to whom was referred the bill (H. R. 3751) granting a pension to Francis Curran, submit the following report:

That the report of the House Committee on Invalid Pensions states the facts in this case correctly, and your committee adopts the report made by the House committee, and recommends the passage of the bill. The report is as follows:

[House Report No. 1888.—Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3751) granting a pension to Francis Curran, submit the following report:

That Francis Curran enlisted in the Thirteenth Regiment Indiana Cavalry December 25, 1863, and was discharged from the Army November 18, 1865.

His claim for pension is sore eyes, resulting in total blindness, contracted at Huntsville, Ala., on picket duty, August 20, 1864.

The claim was rejected by the Pension Department on the ground that disability was contracted previous to enlistment in the Union service. The testimony shows that claimant first served in the rebel army. Your committee has been unable to find any satisfactory evidence that the claimant's eyes became diseased before joining the Union Army in December, 1863.

The Adjutant-General's report shows him present for duty most of the time while in the Union Army. The principal difficulty with the case is that he was, previous to entering the United States Army, a soldier in the Confederate army, and after being mustered out of the United States service, traveled through the South collecting charity, and used the following card in order to obtain assistance:

To a benevolent public:

The bearer of this, Francis Curran, having joined the Confederate army at Senatofia, Miss., and as a good soldier served his time faithfully, having lost his eyesight while a prisoner of war at Louisville, Ky.

Sergeant Company B, Ninth Mississippi Regiment.

Any help will never be forgotten.

J. P. HOULIGHAN,
Captain.

T. W. WHITE,
Colonel Ninth Mississippi Regiment.

The following testimony shows clearly that the statement that claimant lost his eyes while in the Confederate service is not true.

Capt. Charles F. Bender, of Company E, Thirteenth Indiana Cavalry, states under oath that "claimant was sound in every respect at date of enlistment." Owen Maguire and John Tighe both state in separate affidavits—

"That they became acquainted with claimant about March, 1863, at New Albany, Ind., and said acquaintance continued until his enlistment, and they never knew him

to complain of having sore eyes or being afflicted in any manner whatever, and always believed him sound in every respect."

Capt. C. F. Bender made oath in affidavit June 15, 1875:

"The claimant was attacked with disease of the eyes in line of duty on picket just near Huntsville, about August 20, 1864."

Elisha Weakly, lieutenant of Company E, Thirteenth Regiment Indiana Volunteer Infantry, makes oath under date of November 17, 1877:

"In the summer of 1865 I was doing provost duty near Columbus, Miss., and claimant was suffering from disease of the eyes during that time, which continued until the date of his discharge. He was a good and obedient soldier."

The following affidavit, signed by the surgeon of claimant's regiment, is sufficient to substantiate the loss of sight soon after leaving the United States service:

"NEW ORLEANS, *September* 3, 1872.

"I certify that the records of Charity Hospital, New Orleans, show that Francis Curran was admitted to this institution on the 19th day of March, 1866, and discharged the 11th day of June, 1866. He was suffering from total loss of sight."

A special examination conducted by Charles R. Conner, special agent, September 28, 1878, reads as follows:

"This is a very peculiar case, and I have been unable to find any satisfactory evidence that the claimant's eyes became diseased while he was in the Confederate army. It is possible, but highly improbable, that his eyes were diseased at the time of his enlistment, December 25, 1863."

The fact that the claimant served in the Confederate army ought not of itself to bar him from receiving a pension, and the testimony seems conclusive that he served faithfully nearly two years in the Army of the United States, and has been totally blind ever since his discharge.

The passage of the bill is recommended.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1428.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. LAPHAM, from the Committee on Patents, submitted the following

REPORT:

[To accompany bill S. 2212.]

The Committee on Patents, to whom was referred the bill (S. 2212) for the relief of John R. Harrington, submit the following report:

The Committee on Patents in the House of Representatives in their report state—

That the applicant has failed to obtain any adequate compensation for his invention by reason of his being totally blind during the greater portion of the life-time of the patents.

The invention is one of great merit, consisting of an improvement by reason of which the first and only really practicable carpet-lining was given to the public. The invention is therefore a foundation one, and the inventor a pioneer in his line. The largest carpet dealers all over the country have petitioned for a renewal of the patent to the said John R. Harrington. The manufacturers are also in favor of the same.

No opposition is made to the granting of the relief prayed for.

The committee are fully satisfied from the evidence before them that the said Harrington's failure to obtain a sufficient remuneration by reason of said invention is not due to any neglect or fault on his part.

We concur in the views stated in this report.

The committee therefore recommend the passage of the accompanying bill as a substitute for the bill introduced in the Senate.

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ACKSON, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 6881.]

ommittee on Claims, to whom was referred the bill (H. R. 6881) for relief of the trustees of the Christian Brothers' College of Saint Louis, souri, have examined the same, and report as follows:

committee have heretofore reported adversely upon Senate bill e relief of claimants, and a majority adhere to that report (No. as follows:

[Senate Report No. 1067, Forty-eighth Congress, second session.]

bill proposes to pay to the trustees of the Christian Brothers' College of Saint Mo., the sum of $20,000 in full compensation for the use and occupation of the ıgs and lands of said college during the late war by the United States troops, injury to and destruction of property belonging to said trustees by said troops. ustees of the college, in their memorial to Congress, present the following as tory of the case and the grounds for relief:

ial of the trustees of the College of the Christian Brothers of Saint Louis, Mo., in rt of their bill for relief for the use and occupation of their said college by United s troops during the late war.

honorable the Senate and House of Representatives:

memorialists respectfully submit the following statement of facts in support r claim for relief and compensation for the use and occupation of their college the late war by troops of the United States:

r to and at the commencement of the recent rebellion the Christian Brothers' e of Saint Louis was a large, well-appointed, and flourishing institution, de- to the education of youth in all the practical departments of knowledge. Its drawn from all sections of the United States, number between four and five d, of whom two hundred lodged within the precincts of the college, and the attended daily from their respective places of abode in the city. From this

The common use by the soldiery of the halls and rooms was attended by great damage to the furniture, walls, and flooring. In several instances the partitions, and even the outer walls, were cut through and greatly injured and defaced. This subsequently necessitated the expenditure of large sums for repairs, &c., no part of which has ever been repaid to your memorialists, or to any person on their behalf. Neither have they derived any compensation whatever for the aforesaid use and occupation of their said college.

Wherefore they respectfully submit that they are justly entitled to the relief which they seek in and by the accompanying bill, and humbly pray that the same may be favorably considered by your honorable bodies, and, as in duty bound, they will ever pray, &c.

BRO. TOBIAS,

For the Trustees of the College of the Christian Brothers, Saint Louis, Mo.

Your committee have uniformly reported against granting relief in cases similar to the present, for reasons that need not be here repeated at length. We have declined to establish the precedent of holding the Government responsible in damages for injury to property in such cases. And in the absence of *contract*, express or clearly implied, for the payment of rent, the committee have almost without exception declined to recommend compensation for the occupation of buildings hired and occupied during the late war by the Federal forces. In the present case it may fairly be presumed that the occupation of the buildings in question was demanded by the military necessity of the situation; if so, the seizure and use were rightful and a legitimate exercise of the *war* powers of the Government. In such cases it is the settled rule, both of the Department and of Congress, not to make compensation to private owners. If, on the other hand, there was no pressing necessity of war to justify the military authorities in taking possession of the property, and their action was wanton and unauthorized, however it might be condemned, it would raise no valid claim for compensation against the Government.

The committee accordingly report back the bill to the Senate with the recommendation that it do not pass, but be indefinitely postponed.

ı and lands of said college during the late war by the United States troops, ɔjury to and destruction of property belonging to said trustees by said troops. tees of the college, in their memorial to Congress, present the following as ry of the case and the grounds for relief:

of the trustees of the College of the Christian Brothers of Saint Louis, Mo., in of their bill for relief for the use and occupation of their said college by United roops during the late war.

ıorable the Senate and House of Representatives:

ıemorialists respectfully submit the following statement of facts in support laim for relief and compensation for the use and occupation of their college ıe late war by troops of the United States:

ɔ and at the commencement of the recent rebellion the Christian Brothers' f Saint Louis was a large, well appointed, and flourishing institution, devoted ucation of youth in all the practical departments of knowledge. Its pupils, om all sections of the United States, numbered between four and five hun- whom two hundred lodged within the precincts of the college, and the residue daily from their respective places of abode in the city. From this source college derived its revenue, and upon this it depended for the maintenance ps of instructors, and the procurement of all needed educational facilities.

aneously with the inception of hostilities your memorialists were forced ; to the occupation in part of their college by troops in the service of the tates. This extended to a considerable part of the buildings and all of the ant grounds, and speedily proved to be incompatible with the preservation line among the students or the prosecution of studies and scholastic exer- 'ith the introduction of the noise and distractions of the adjoining prison ɔunding occupation by the troops, the voice of collegiate authority was and the prizes of learning no longer proved attractive to the disheartened ldered students. The consequence was inevitable. At the close of the war all fraction of the above number of pupils remained. From the injury thus the college has never recovered.

mmon use by the soldiery of the halls and rooms was attended by great ɔ the furniture, walls, and flooring. In several instances the partitions, and outer walls were cut through and greatly injured and defaced. This sub- ' necessitated the expenditure of large sums for repairs, &c., no part of which been repaid to your memorialists, or to any person on their behalf. Neither ' derived any compensation whatever for the aforesaid use and occupation aid college.

'ore they respectfully submit that they are justly entitled to the relief which : in and by the accompanying bill, and humbly pray that the same may be ' considered by your honorable bodies, and, as in duty bound, they will ever

BRO. TOBIAS,

authorities in taking possession of the property, and their action was wanton and unauthorized, however it might be condemned, it would raise no valid claim for compensation against the Government.

The committee accordingly report back the bill to the Senate, with the recommendation that it do not pass, but be indefinitely postponed.

The facts stated in the memorial quoted in the foregoing report are not complete. It is further true that Saint Louis was during the entire time embraced in the period of the occupancy of the building and grounds in question in the exclusive, undisturbed, and secure possession of Federal forces, and that it was never a subject of attack, or even threatened by the Confederates. There is not one thing in the general conditions or in the circumstances of the particular case to invoke the application of any rule different from such as would justly apply to New York, Chicago, or Boston. The building and grounds in question were appropriated to the public use, not as an exigency of war nor as an act of wantonness, but regularly in the line of military expediency and in the ordinary course which involved their convenient and—not to the exclusion of others—their necessary use. Doubtless a hundred equally as available buildings could have been had within the city limits, as either the Christian Brothers' College or the McDowell College adjoining it. The act of the Federal authorities in taking possession of the property for whose use compensation is asked and awarded by the House bill cannot be regarded as like action in hostile territory, nor was there a contingency in the whole war at the seat of its occupancy which could bring it within the rule which has excluded compensation for property surrendered to the exigencies of military situation. The use is proved. The amount allowed by the House bill seems reasonable and just. If there was not a written or express contract for compensation, there ought to have been. The sole question involved is whether, in a State loyal to the Government, in a city therein which remained in the uninterrupted occupancy and the unmenaced control of the loyal forces during the whole war, where every facility for the accommodation of all reasonable demands for supplies, quarters, prisons, &c., for the United States forces existed which could have been had in any city in the Union, and with the same security and safety the property of private parties, and more especially that of a religious order devoted exclusively to educational purposes, could be taken and used continuously for four entire years without at least an implied contract that an honest Government, under its Constitution, would make honest compensation therefor.

We cannot concur in the report, which would exclude such compensation, and we recommend the passage of the House bill.

JNO. E. KENNA.
J. B. GEORGE.
GEO. F. HOAR.
AUSTIN F. PIKE.
JAMES G. FAIR.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1430.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7769.]

The Committee on Pensions, to whom was referred the bill (H. R. 7769) granting a pension to Joseph R. Dodds, have examined the same, and report:

That said Dodds became diseased from drinking alkali water in Dakota, which still continues and renders him unfit for manual labor, and recommend passage of bill.

[House Report No. 2399, Forty-eighth Congress, first session.]

Your committee find that claimant enlisted August 29, 1862, in Company K, Seventh Regiment Iowa Cavalry; that he was discharged August 28, 1865, and that he filed declaration for pension December 15, 1879, alleging "kidney disease, resulting from being alkalied at Bijou Hills, Dak., October, 1863."

Lieut. John C. Rutan, of same company and regiment, testifies:

"I knew J. R. Dodds at the time of his joining said company; that he was physically sound and in good health; that on the line of march from Fort Randall to Fort Sully he was so badly affected by alkali as to be entirely unfit for service."

Dr. Lewis Waldter testifies:

"I served in the same command with J. R. Dodds, formerly of Company K, Seventh Iowa Regiment; that we were together at Vigo Lake, Dakota, when the said J. R. Dodds became alkalied by being compelled to use the water from said lake. I found by examination of other points of the lake and surrounding country any amount of crystallized alkali—no other kind of water for miles around to be had; that previous to said time of being alkalied he was physically sound and free from disease of any kind; that since that time he has been and still is totally unable to perform manual labor, or follow his former avocation, and that in my practice in the treatment of chronic diseases I have been consulted, and that I believe his kidneys to be so affected by reason of said alkali as to render a cure impossible."

Charles T. Taylor says, under oath:

"I have personally known J. R. Dodds, formerly of Company K, Seventh Iowa Cavalry; that he was treated by Dr. J. Noel for kidney disease and urinary trouble; that I have conversed with the doctor in reference to his case, and he said the alkali had so thoroughly impregnated his system that no remedy could be used known to the medical profession but what would have a tendency to resolve the case into Bright's disease of the kidneys; that said Dr. J. Noel died in June, 1882."

Claimant gives a full account of the circumstances under which he drank the water, and adds:

"At this time and previous to drinking this alkali water I weighed 186 pounds; that thereafter my kidneys became affected; my urinary organs became deranged; * * * my hair came out and some of my toe nails came off; that I was reduced to a mere skeleton of my former self, so that I weighed but 120 pounds; that I was totally incapacited from doing military duty or to follow my usual avocation since discharge;

that I have been treated since my discharge from the service by Dr. Jesse Noel; he is now dead; * * * that I was treated while in the service at Fort Sull the post surgeon, E. J. Farr, regimental surgeon of the Thirtieth Wisconsin Vol teers; that while I was under his care during the winter I was not required to rem at the hospital, but merely to report to him in person mornings, and was allowe do such light duty as I chose to do; that in the fall of 1864 I was taken to Si City, Iowa, and given the privilege of receiving my discharge for disability or maining a clerk in the ordnance department; that I remained as such clerk until expiration of my term of service."

The hospital records prior to 1866 are not on file, so no evidence can be obtai from that quarter. The examining surgeon at Phelps, Mo., August 23, 1881, repo his disability total. At a subsequent examination at Beatrice, Nebr., the board port that "we think this man's trouble is due to enlargement of the prostate, not disease of the kidneys." Upon the strength of this report the Pension Offic jected the case in this language: "Disability due to enlargement of the pros gland incident to old age." Claimant was *twenty-two years* of age at the time of his listment and contracted the disease from which he has ever since suffered one later. The Pension Office decides that the enlargement of the prostate gland due to *old age*. The evidence shows that he contracted the disease while in the of duty; that he has suffered from it ever since, and it surely makes very little ference in his suffering whether the disease is called by one name or another.

Your committee recommend the passage of the bill.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1431.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7026.]

The Committee on Pensions, to whom was referred the bill (H. R. 7026) granting a pension to Jeremiah P. Swatzell, have examined the same, and report, recommending the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1432.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7002.]

The Committee on Pensions, to whom was referred the bill (H. R. 7002) for the relief of Harriet L. Stevens, have examined the same, and report:

That the said Harriet L. Stevens was the widow of George H. Stevens, late lieutenant-colonel of the Second Wisconsin Volunteer Infantry, who enlisted in the month of May, 1861, and was mustered into the United States service in June, 1861, and served until July 1, 1863, when he was mortally wounded in battle, and died on the 5th of that month.

That the said Harriet L. Stevens applied for and received a pension as his widow until the month of August, 1868, when she was married to one James A. McMahon, on account of which her pension was stopped.

That the said James A. McMahon appeared to be, and had the reputation of being, a respectable and industrious man, but proved to be a hard-drinking man, which habit grew upon him, and finally he became a confirmed drunkard, on account of which he entirely failed to support or contribute to the support of his said wife and their infant child, born to them December 25, 1880, and abused and neglected them from the month of October, 1880, since which time the claimant has been entirely supported, together with her said child, by her own exertions and the assistance of her friends.

That said claimant is now about fifty years old, with no property or means of support, except her own exertions and assistance of friends.

And that on account of his said habitual drunkenness and failure to support said claimant and her said infant child she was duly divorced from her said husband, James A. McMahon, and the custody of her said infant child awarded to her, and her name duly changed and restored to that of her former husband.

Wherefore your committee recommend the passage of said bill.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1433.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6948.]

The Committee on Pensions, to whom was referred the bill (H. R. 6948) granting a pension to George W. Eagles, have examined the same, and report, recommending the passage of the bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1434.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4061.]

The Committee on Pensions, to whom was referred the bill (H. R. 4061) granting a pension to William C. H. Bowman, have examined the same, and report:

This soldier enlisted August 12, 1861, in Company D, Second Regiment Missouri Cavalry. On the 12th day of August, 1864, while on a march, he received a severe sunstroke; two of his comrades testify that they were near him when he fell and assisted in taking him to the hospital. The reports of the Adjutant-General show that these men were present with the command on that day. The evidence shows that he was not again fit for duty, and that on the 15th day of September, 1864, he was discharged. He was examined August 16, 1882, by Dr. A. P. Tenney, an examining surgeon, who bears an enviable reputation as a physician of great skill and a gentleman of high integrity, who reports that he is three-fourths disabled from the effects of a sunstroke, and that it is his belief that it originated in the service. The case was rejected in the Pension Office for want of evidence of medical treatment in the service and subsequent to discharge. In view of the fact that the claimant served his country faithfully for three years and one month, and that the evidence shows conclusively that he received a serious sunstroke while in the line of duty, and that he is now suffering from the effects of it, the committee recommend the passage of the bill.

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H CONGRESS, } SENATE. { REPORT
2d Session. } { No. 1435.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1653.]

Committee on Pensions, to whom was referred the bill (H. R. 1653) ranting a pension to Joseph R. Hurlburt, have examined the same, and port:

oldier enlisted August 15, 1862; mustered September 14, 1862, and red as a private in Company G, Twenty-fifth Wisconsin Volunteers, discharged, June 26, 1865.

eclaration for pension was filed January 27, 1874, alleging disability n chronic diarrhea, contracted July 15, 1863, at Snider's Bluff, Misippi, and partial paralysis following, or resulting from same, while ospital at Memphis, Tenn.

laim was rejected February 21, 1881, upon the ground that claimant ot disabled by chronic diarrhea since discharged, and that paralysis not be accepted as a result of diarrhea.

r. John Ehing, a resident of Alma, Buffalo County, Wisconsin, says has attended claimant's family as physician since October, 1858, knows that prior to enlistment he was of good health and sound y. Claimant came home sick on furlough in November, 1863, and ained till February, 1864, and during said period was under affiant's tment for inflammation of lungs, diarrhea, &c. Also claimant has n under deponent's medical treatment since June, 1865, when disrged. Right side lamed and unable to use right arm for manual r. (Affidavit filed May 26, 1874.)

ouis P. Hunter, postmaster at Alma, Wis., and H. D. Englesby, in lavit filed February 15, 1881, testify to disability from effects of nic diarrhea, and since June, 1865.

. W. De Graff, comrade, corroborates claimant as to time and place ontracting diarrhea, and since discharge unable to perform a day's r, and that he is in feeble health. (Affidavit filed February 15, .)

rs. Newton McVey and John Ehing, in affidavits filed November 1881, say they that day examined claimant and found him a great erer from chronic dysentery and paralysis; they also judge him as ble to perform manual labor. These doctors reside in Alma, Buffalo nty, Wisconsin.

urgeon-General's record—

ows claimant was admitted to hospital R. C. Wood, September 30, 1863, from na, Ark., for treatment for chronic diarrhea, and was transferred to Memphis,

Tenn., October 1, 1863; was admitted to Gayoss general hospital October 2, 186 chronic diarrhea, and was transferred October 3, 1863; was admitted to gene pital, Benton Barracks, Missouri, October 7, 1863, with chronic diarrhea; furl (thirty days) October 30, or November 1, 1863; returned February 5, 1864; dis not given. [NOTICE.—Dr. Ehing has testified to treatment during all of s lough.] Was admitted to Lawsen general hospital, Saint Louis, Mo., Feb 1864, with anæmia (bloodlessness), and was transferred to Alexandria Barracks 4, 1864. The records of Helena, Ark., July 1 to September 30, 1863, and of dria Barracks, Saint Louis, Mo., subsequent to March 4, 1864, furnish no infor in the case.

Your committee recommend the passage of the bill.

C

48TH CONGRESS, 2d Session } SENATE. { REPORT No. 1436.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 24, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6928.]

The Committee on Pensions, to which was referred the bill (H. R. 6928) granting a pension to Leonard King, has examined the same, and reports:

That an examination of the record and evidence in this case, as sent to the committee by the Commissioner of Pensions, amply sustains the report of the Committee on Invalid Pensions of the House of Representatives, and which is here adopted, as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 484, have had the same under consideration, and submit the following report:

In the case of Leonard King, father of Miles King, formerly corporal of Company B, Third Regiment Iowa Cavalry Volunteers, it appears that the soldier enlisted August 23, 1861, and died April 19, 1865, of gunshot wound received while engaged in battle April 16, 1865.

The mother of the soldier died October 27, 1866.

The claimant is now seventy-six years of age, and at the time of enlistment of the soldier was fifty-three years old.

If the claimant was in whole or in part dependent upon the soldier at the date of his death, the father then is entitled to pension under section 4707, Revised Statutes.

R. S. Clark, treasurer of Van Buren County, Iowa, testifies as to the value of real estate of claimant in the year 1865 to be $350, and personal property $150; the income derived therefrom was insufficient to meet the wants of the family of claimant.

J. M. Beeson testifies that the claimant was dependent to a great extent upon the soldier before he entered the service, and that he received the monthly pay of his son while in said service.

Charles Westcott, Arthur Perry, S. B. Scott, and J. House all testify from personal acquaintance that the father was partially dependent upon his son before and during his service.

Capt. Samuel S. McKee swears that he was captain of the company in which the soldier served, and knew that he rendered pecuniary aid to his parents during the entire period of his service in the Army, and sent packages of money by express to his father, and that the soldier was considered by all that knew him as the main dependence of his family.

The postmaster at Farmington, Iowa, certifies that he has known claimant for twenty years, and that he was partially dependent upon his son, and since his son's death he has managed to subsist by the aid of an only daughter.

Thomas J. Nash and William Goodin testify to a knowledge of claimant for twenty years, and that for the last fifteen years, by reason of rheumatism and advanced years, the claimant has been unable to support himself by manual labor.

Dr. G. W. Good has been the family physician during fifteen years or more, and testifies that during the service of the son the claimant's ability to do manual labor, on account of disability, was reduced one-half, and his disability is increasing with age.

Dr. William Craig, pension examining surgeon, certifies February 26, 1873, the applicant presented himself for examination when sixty-five years of age, and states

that from what he learned from the applicant and others he was not in a condition to procure a subsistence, and has not been since the death of his son.

In view of all the testimony filed to show dependence of the father upon the son, your committee consider the claimant is entitled to a pension, and report herewith a substitute for bill H. R. 484, and recommend its passage.

It is difficult to understand why this case was rejected. It is clearly supported by the very brief prepared in the Pension Office and on which it was rejected.

The bill is accordingly reported to the Senate with a recommendation that it do pass.

CONGRESS, } SENATE. { REPORT
l Session. } { No. 1437.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 25, 1885.—Ordered to be printed.

ACKSON, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4686.]

e Committe on Claims, to whom was referred the bill (H. R. 4686) ıe relief of Fendall Carpenter, have examined the same, and report the material facts of this case are correctly set forth in House Re- No. 237 from the Committee on War Claims, made during the last on of Congress, and which is adopted as follows:

ommittee on War Claims, to whom was referred the claim of Fendall Carpenter, of Fayette County, Tennessee, beg leave to submit the following report:

claimant resided in Fayette County, Tennessee, during the late war of rebel- ıltivating his farm, having on hand 28 bales cotton, while the Confederate were scouring the country for contributions, willing or unwilling, from citizens g cotton. Claimant, in the early part of 1862, concealed his cotton, where it ned until the coming of the Federal military forces in August, 1862. The latter, ng of the cotton, seized 25 bales thereof. As this cotton was seized in 1862, l months prior to the act of March 12, 1863, requiring all such property to be l over to agents of the Treasury specially appointed for that purpose, it was y the military authorities, realizing upon the same $4,400 gold, which money ppropriated to payment of vouchers and receipt rolls in the Army, and conse- ly was not paid into the "captured and abandoned fund" in the Treasury.
claimant applied to the Department to be refunded said proceeds, and the mat- ming to the attention of President Lincoln, he, on the 23d December, 1863, in- l upon the application:

ill the Judge-Advocate General please examine this case and report upon it to ecretary of War.

"A. LINCOLN."

Judge-Advocate-General, Mr. Holt, made his report on the following day, and report embraces succinctly the facts and conclusions of law, in both of which ommittee concur, it is hereby adopted as part of this report, as follows:

JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, December 24, 1863.

n. E. M. STANTON,
Secretary of War:

he case of Fendall Carpenter, a citizen of Fayette County, Tennessee, referred by the President under his indorsement of the 23d instant, with the request that rt upon the same to the Secretary of War, I have the honor to submit as follows: the 25th of August last a detachment of United States troops, penetrating to cinity of Carpenter's residence, seized 28 bales of cotton belonging to him, of 3 bales were burned, and the remaining 25 bales were carried away. For the he was furnished with a receipt (which is filed with the papers in the case) cer- g that this cotton had been taken "for the use of the United States," and signed ut. Thomas Purcell, quartermaster Sixteenth Iowa Volunteers.
cotton was delivered to C. C. Williams, acting assistant quartermaster of the ry post of Bolivar, Tenn., and was, by order of Brigadier-General Ross, com- ng district, advertised for sale on August 27, and thereupon sold for about

$4,400. The cotton was treated throughout as captured property, and is described in the advertisement "as taken from the enemy." Carpenter now claims that this amount shall be paid over to him as the proceeds of property of which he has been unjustly deprived. His claim, if established, must be based either upon his loyalty as a Union citizen previous to the seizure, or upon the fact that his case is within the President's proclamation of 25th July, 1862.

The evidence as to the loyalty of Carpenter is presented by the affidavits of two of his fellow-citizens, who state that at the election in February, 1861, he voted against secession; that he opposed the rebellion until it became dangerous for him to do so any longer, when he withdrew himself from public matters and remained as quiet as possible; that he is a man of property, but has never contributed anything to the support of the rebellion; further, that in the spring of 1862 he concealed this very cotton to prevent its being destroyed by the rebel authorities. It is understood, also, that Hon. Horatio King and Hon. Thomas R. Smith, of Tennessee, vouch for the loyalty of Carpenter and of the parties whose affidavits have been quoted.

If, however, the fact that Carpenter for a certain period before the seizure took no part in assisting the rebellion be held to evince on his part an acquiescence therein, or be deemed evidence of his having lent aid or countenance thereto, his case will, it is believed, be found to come within the protection of the proclamation and act of July 17, 1862, which authorized it. The sixth section of this act imposes a forfeiture of all their property and estate upon all persons engaged in armed rebellion, or in aiding and abetting such rebellion, who shall not within sixty days after a proclamation to that effect, to be made by the President, cease to be so engaged, &c., and return to their allegiance to the United States. And thereupon the proclamation of July 25, in pursuance of this act, warns all persons to comply with its provisions, on pain of the forfeitures and seizures therein prescribed. On August 25, 1862, the same day with the seizure in question, but whether before or after it does not appear (nor is it material), Carpenter subscribed before a United States provost-marshal a comprehensive and stringent oath of allegiance, in which he engaged to support the Constitution of the United States against all enemies, to render all due allegiance to the Federal authorities, and to use his best endeavors to put down armed rebellion against the same, to protect the property and preserve the peace in his neighborhood and to refrain from ever taking up arms or serving in any way against the Government of the United States.

This oath is filed with the papers in the case. It is stated in Carpenter's behalf that this was the first opportunity which had been afforded him of entering into a formal and solemn engagement of this character, and that he embraced it at once by subscribing the oath which has been recited. Thus it will be seen that Carpenter, within the time specified by the proclamation, did formally "return to" and make a public profession of his allegiance to the United States, and there is no proof that he has departed therefrom in any particular, or demeaned himself otherwise since than as a loyal citizen.

It is a just implication from the act of July, 1862, that all persons complying with its conditions, within the time limited, shall be protected in the enjoyment of their property. Under the circumstances, therefore, which have been detailed, it is concluded that the appropriation of the cotton of Carpenter by the United States authorities was unauthorized, and that he is entitled to claim the proceeds of the sale.

The question now passed upon has already been considered in the case of E. P. McNeal, a citizen of Tennessee, and from a report made therein from this office of November 6, 1862, the sum of $10,000, proceeds of his cotton, seized about the same time as that of Carpenter, was ordered to be restored to him by order of the Secretary of War. McNeal, like Carpenter, had subscribed an oath of allegiance within the period prescribed by the proclamation, but his record as to previous loyalty was by no means so satisfactory as that of the latter, nor was his claim so meritorious. As was remarked in the case of McNeal an important consideration of public policy is involved in cases of this character. The good faith of the Government has been pledged to all those who, heeding the warning of the President's announcement of amnesty, have accepted the terms which it offered, and conformed their behavior to the solemn engagement into which they then entered. To such the Government on its part owes protection and security for themselves and their property, and should ever stand ready to make good to them, where practicable, the pecuniary losses which they have incurred in consequence of unauthorized or ill-advised seizures by officers of our Army.

It is recommended, therefore, that the sum of about $4,400, which resulted from the sale of Carpenter's cotton, be at once paid over to him by Brigadier-General Ross; provided, as is believed, this sum has not yet been deposited in the Treasury. If, however, this amount has passed out of the hands or control of this officer, he should be required to report what disposition has been made of it, so that if possible it may be reached *in specie* and paid to the claimant.

J. HOLT,
Judge-Advocate-General.

proceeds of the cotton were, however, never refunded to claimant by the Sec-
of War for supposed want of authority so to do.
nuch, therefore, as the Government has applied the money received from the
claimant's property to the payment of the legitimate expenses of the Army,
ommittee think he is clearly entitled to be refunded such proceeds, and submit
ompanying bill and recommend its passage.

ır committee concur in the result of this report, believing the claim
and meritorious one. We accordingly report back the bill to the
e, with the recommendation that it do pass.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1438.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 25, 1885.—Ordered to be printed.

Mr. DOLPH, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2658.]

The Committee on Claims, to whom was referred the bill (S. 470) for the relief of the State of New York, and to pay off certain certificates issued by that State to the soldiers of the war of 1812, having examined the same, make the following report:

The following is a copy of the bill:

[Senate 470, Forty-eighth Congress, first session.]

A BILL for the relief of the State of New York, and to pay off certain certificates issued by that State to the soldiers of the war of eighteen hundred and twelve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of two hundred and fifty thousand dollars to the State of New York, for advances made to the soldiers of eighteen hundred and twelve, in pursuance to chapter one hundred and seventy-six of the laws of eighteen hundred and fifty-nine of said State, and to pay the further sum of fifty-five thousand dollars to the holders of the State of New York certificates, issued to the soldiers of eighteen hundred and twelve, which are yet outstanding, in pursuance of said law, or so much thereof as is found due on said certificates, including interest.

On the 27th day of June, 1882, a preamble and resolutions passed by the senate of the State of New York, in the nature of a memorial to Congress for an appropriation to pay off the amount remaining unpaid on the said certificates, and to reimburse the State of New York for its advances, was presented to the Senate and referred to the Committee on Military Affairs.

On May 13, 1884, it appears to have been reported to the Senate from the Committee on Military Affairs without recommendation and referred to the Committee on Claims.

Your committee have been informed that the bill under consideration was introduced under a misapprehension as to the facts. As will hereinafter appear the claim of the State of New York, instead of being for $305,000, the amount mentioned in the bill, is for $250,000 paid by the State on account of certificates issued to the soldiers of the war of 1812 under the act of the legislative assembly of the State referred to, and interest thereon from the time of payment, and for the principal and interest due upon the outstanding certificates issued under said act, the amount of which is $1,889,784.75 and interest thereon since February 29, A. D. 1864.

This claim, on account of its magnitude and age, has appeared to your committee to demand an examination into, and a general statement of, the facts and circumstances under which it arose and the presentation of the principles upon which the obligation of the United States (if any there be) to pay the claim rests.

By act of Congress approved May 8, 1792, a general system was established for enrolling and organizing the militia in each of the States.

The act, among other things, provided for the enrollment of all free able-bodied white males between the ages of eighteen and forty-five, and that every citizen so enrolled and notified should, within six months thereafter provide himself—

With a good musket or fire-lock, a sufficient bayonet and belt; two spare flints and a knapsack; a pouch with a box therein to contain not less than 24 cartridges suited to the bore of his musket or fire-lock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, pouch, and powder horn, 20 balls suited to the bore of his rifle, and a quarter pound of powder; and to appear so armed, accoutered, and provided when called out to exercise or into service, &c.

By an act of the legislative assembly of the State of New York, approved March 29, 1809, entitled "An act to organize the militia of this State," which act appears to have been, so far as it related to equipment of the militia, substantially the same as the act of Congress of May 8, 1792, it was provided, among other things, that within six months from enrollment every citizen enrolled should provide himself with an equipment, as set forth in the act, and that every trooper should own a horse able and fit for service.

By an act of Congress approved January 2, 1795, entitled "An act to regulate the pay of non-commissioned officers, musicians, and privates of the militia of the United States when called into the service of the United States, and for other purposes," it was provided that from and after the passage of the act the allowance of bounty, clothing, and pay to the non-commissioned officers, musicians, and privates of the infantry, artillery, and cavalry of the militia of the United States, when called into actual service, should be at the rate, per month, as follows:

Each sergeant-major and quartermaster-sergeant, $9; each drum and fife-major, $8.33; each sergeant, $-; each corporal, drummer, fifer, and trumpeter, $7.33; each farrier, saddler, and artificer, included as a private, $8; each gunner, bombardier, and private, $6.66; and that in addition to the monthly pay there should be allowed to each non-commissioned officer, musician, and private of the cavalry for the use of his horse, arms, and accouterments, and for the risk thereof, except the horses killed in action, 40 cents per day; and to each non-commissioned officer, musician, and private, 25 cents per day, in lieu of rations and forage when they should provide the same. And that whenever the militia should be called into the actual service of the United States their pay should be deemed to commence from the day of their appearing at the places of the battalion, regimental, or brigade rendezvous, allowing each non-commissioned officer, musician, and private a day's pay and rations for every 15 miles from his home to such place of rendezvous, and the same allowance for traveling home from the place of discharge.

And by section four of said act it was provided:

That the compensations made by any State to the militia called forth from such State should be deemed to be included in the additional allowance authorized by that act, and such State should be entitled to receive from the Treasury of the United States such sums as they shall have paid or allowed to the non-commissioned officers, musicians, and privates over and above the pay theretofore allowed by law, and not exceeding the additional allowance granted by said act.

By an act of Congress approved February 28, 1795, entitled "An act to provide for calling forth the militia to execute the laws of the United States, suppress insurrections, repel invasions, and to repeal the act now in force for those purposes," the President of the United States was authorized, whenever the United States should be invaded, or be in

imminent danger of invasion from any foreign nation or Indian tribe, to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he might judge necessary to repel such invasion, and to issue orders for that purpose to such officer or officers of such militia as he should think proper.

By act approved April 23, 1808, entitled "An act making provision for arming and equipping the whole body of the militia of the United States," the annual sum of $200,000 was appropriated for that purpose.

By an act approved April 10, 1812, the President was authorized to require the executives of the several States and Territories to take effectual measures to organize, arm, and equip according to law, and hold in readiness to march at a moment's warning their respective proportions of one hundred thousand militia, officers included, to be apportioned by the President of the United States from the latest militia returns in the Department of War. Said troops were not to be compelled to serve longer than six months after they arrived at the place of rendezvous, and it was provided that during the term of their service the non commissioned officers, musicians, and privates should be entitled to the same pay and rations as is provided by law for the militia of the United States when called into actual service; and by the fourth section of said act the President was authorized to call into service any part or the whole of said detachment in all the exigencies provided by the Constitution.

By act of Congress approved June 18, 1812, war was declared to exist between the United Kingdom of Great Britain and Ireland, and the dependencies thereof and the United States of America and their Territories, and the President of the United States was authorized to use the whole land and naval forces of the United States to carry the same into effect, &c.

Upon the declaration of war, and prior to the first call of the President for troops, the governor of the State of New York had ordered 1,700 men into the field, 600 of whom were sent to Sackett's Harbor, 400 to Oswego, and 600 to Niagara. This action of the governor was subsequently confirmed by the President, and said troops were mustered into the service of the United States and considered from the time they were called out by the governor as in the service of and paid by the United States as other troops. Under the requisitions of the President of the United States the State militia and volunteers of New York were called out by the governor, but whether the full quota of the State under the several calls of the President was furnished does not appear.

The calls of the President under which troops were furnished by the State are stated in a letter from the adjutant-general of the State of New York, addressed to the writer of this report, to have been as follows:

April 15, 1812, call of the President for 100,000 men; quota of New York, 13,500.

June 26, 1812, the governor was requested to furnish General Dearborn such number of men as he might require.

August 21, 1812, the governor was directed to send to Plattsburg 1,000 men, and to Sackett's Harbor 1,000 men.

August 12, 1812, a further requisition was made by the President for four regiments of artillery and two regiments of infantry.

July 14, 1814, the call of the President for 100,000 men; quota of New York, 13,500.

The following paragraph appears in each order of the governor calling for troops under the requisition of the President of April 15, 1812, and subsequent calls, viz:

The non-commissioned officers and privates must appear completely equipped with their own clothing and a musket or rifle, cartridge-box, knapsack, blankets, and canteen.

The men thus called into the field in some instances furnished their own transportation, as well as their arms and clothing, for the reason, as it is alleged, that neither the United States nor the State of New York were able to furnish the same.

By an act of Congress, approved February 2, 1813, it was provided that the non-commissioned officers, musicians, and privates of volunteer and militia corps who, subsequent to the 31st day of December, 1812 had been or might thereafter be called out, while in the service of the United States, should, during the continuance of the war between the United Kingdom of Great Britain and Ireland and the dependencies thereof and the United States of America and their territories, be entitled to receive the same monthly pay, rations, and forage, and to be furnished with the same camp equipage, as were or might be provided by law for the non-commissioned officers, musicians, and privates of the Army of the United States.

By an act of Congress approved April 18, 1814, entitled "An act in addition to the act entitled 'an act to provide for calling forth the militia and execute the laws of the Union, suppress insurrections, to repel invasions, and to repeal the act now in force for those purposes,'" it was provided, among other things, that the expenses incurred, or to be incurred, by marching militia of any State or Territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, or which shall have been or may have been incurred in cases of calls made by the authority of any State or Territory which shall have been or may be approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such place of rendezvous, on the requisition of the President of the United States; "provided that nothing herein done shall be considered as authorizing any species of expenditure previous to arriving at the place of rendezvous which is not provided by existing laws to be paid for after their arrival at such place of rendezvous." An act of Congress approved April 12, 1818, contained subsequently the same provision.

In 1818 the legislative assembly of the State of New York passed an act of which the following is a copy:

AN ACT for the relief of certain volunteers and militia called into service for the defense of the frontiers of the State in the late war, and for other purposes.

1. *Be it enacted by the people of the State of New York represented in the senate and assembly*, That the commissary-general is hereby authorized and required to audit and settle the accounts properly chargeable to the State of New York for the services and contingent expenses of the volunteers and militia of said State called out for its defense during the late war, and that he make a report of the amount which he finds to be due to each and every claimant at the next session of the legislature.

2. *And be it further enacted*, That the said commissary-general examine the claims of certain persons for certain arms alleged to have been pressed or taken into service and lost by the military and volunteers in the service of the State; and that he make a report of the amount which he finds to be due to each and every claimant at the next session of the legislature.

By an act of the assembly of the State of New York entitled "An act to authorize the payment of claims for service rendered and supplies furnished the militia and volunteers of this State, called into service during the late war," passed April 9, 1819 (chap. cx, v. ii, pp. 139), the comptroller was authorized to review, audit, and settle the accounts which might be reported to the legislature at that session by the commissary-general agreeable to the act of April 21, 1818, and the treasurer was authorized to pay, on the warrants of the comptroller, the amounts of such accounts as should be allowed by the comptroller. It does not

appear what claims, if any, were audited and settled under these acts, or why the claims of the volunteers and militia afterwards audited, as hereinafter stated, were not audited and settled under said acts.

April 15, 1857, an act was passed by the legislative assembly of the State of New York entitled "An act to provide for the appointment of commissioners for the adjustment and payment of certain claims for the services of the militia of this State in the war of 1812," from which we quote the following:

1. The adjutant and commissary-generals of this State, and John S. Van Rensselaer, of the city of Albany, are hereby appointed a board of commissioners for and during two years from the enactment of this law, and are hereby authorized and required to receive proof, ascertain and determine the sums due for the contingent expenses of the militia and the members or individuals of any of the Indians tribe of this State, rendered in the late war with Great Britain, under and by virtue of the act of the legislature, passed April 21, 1818.

SEC. 3. The said commissioners or a majority of them shall report the names, residence, and amount due the claimants, from time to time, when ascertained to their satisfaction, to the State comptroller; and shall also deliver to the person or persons who placed in the hands of the commissary-general, and take his receipt for the written application and the proof of the claim, a certificate of the name, residence, and amounts due the claimants as reported, to be for his exclusive use; which certificate, when presented for payment by the said claimant or his legal representatives, shall authorize the comptroller to indorse on said certificate that the amount thereof shall be paid to the claimant with interest at the rate of 6 per cent. per annum, as soon as the money shall have been received by the treasurer of this State from the Government of the United States, in satisfaction of said claims. (Chapter 597, pp. 300, 302, Laws of New York, 1857.)

April 8, 1859, another act was passed by the legislative assembly of the State of New York entitled "An act to amend an act passed April 15, 1857, entitled 'an act to provide for the appointment of commissioners for the adjustment and payment of certain claims for the services of the militia of this State in the war of 1812,'" from which the following are extracts:

The adjutant and inspector-generals are hereby authorized and required to demand and take possession of the books, papers, letters, certificates, and blanks mentioned in the first section of this act, and are hereby authorized and required to revise all proceedings of said commissioners, or of any of them, and to receive proof and ascertain and determine the sums due for the contingent expenses of the militia and to members or individuals of any of the Indian tribes of the State, incurred in the late war with Great Britain, and referred to in the act of April 21, 1818, and act 9, April, 1819.

* * * * * * *

SEC. 4. The adjutant and inspector-generals shall report the names, residence, and amounts due the claimants, when ascertained to their satisfaction, to the comptroller, which report shall be made on or before the 1st of February, 1860. * * * of the numbers and the whole amounts of said claims in order that proper measures may be adopted to obtain the payment thereof from the Government of the United States. And they shall also from time to time deliver, either personally or by mail, to each claimant whose claims they shall have examined and adjudicated a certificate of the name and residence of such claimant and the amount which they shall have found to be due said claimant, which certificate shall be paid and taken up by the comptroller, as provided in the eighth section of this act. All certificates which may have been issued by the commissioners, or by any one of them, mentioned in the first section of this act, shall be revised by the adjutant and inspector-generals, and corrected if found necessary.

And new certificates shall be issued in lieu thereof, and delivered and reported aforesaid.

* * * * * * *

8. Whenever any money shall be received by this State from the Government of the United States on the claims referred to in the fourth section of this act, the comptroller shall cause notice to be given by advertisement for the period of one month, in the State papers of such payments, and shall cause to be paid into the treasury of the State the amount which shall have been drawn therefrom pursuant to the seventh section of this act, and shall cause to be paid to the commissioners mentioned in the first section of this act the amount mentioned in section 7 of said

chapter 597, of the laws of 1857, and the balance remaining he shall cause to be distributed pro rata among those holding certificates of claims audited and allowed by the adjutant and inspector-generals, and reported to the comptroller, as provided in the fourth section of this act, whenever said certificates after the advertisement aforesaid shall be presented to him for payment. (Chapter 176, pp. 424, Laws 1859.)

In 1869, by an act of the legislative assembly of said State, the sum of $50,000 was appropriated toward the redemption of the said certificates for claims for services in the war of 1812, which had been issued by the commissioners pursuant to said laws of 1857 and 1859, to be distributed pro rata among the survivors of the war of 1812, who were living in said State and who were named in and held such certificates, and if any part of the appropriation remained after such distribution, to be first distributed to widows of such soldiers and then to their legal representatives.

In 1870 a further appropriation of $100,000 was made by the legislature of said State, to be distributed in the manner provided for the distribution of the appropriation of the $50,000 in 1869.

In 1874 an additional appropriation was made by an act of the legislature of said State of $100,000, to be apportioned and disbursed as provided in the act of 1869.

A summary of the proceedings of the boards of commissioners under the acts of 1857 and 1859, and a concise statement of the disposition of the several appropriations made by the legislative assembly of the State towards the redemption of the certificates, the number of outstanding certificates and the amount of the principal and interest due upon them on the 29th of February, 1884, is contained in a communication from the adjutant-general of the State of New York to the legislative assembly of that State, dated February 29, 1884, of which the following is a copy:

STATE OF NEW YORK. NO. 97. IN ASSEMBLY, FEBRUARY 29, 1884.

Communication from the adjutant-general, in response to a resolution of the assembly calling for information in relation to certificates issued to New York soldiers for contingent expenses in the war of 1812.

GENERAL HEADQUARTERS, STATE OF NEW YORK,
ADJUTANT-GENERAL'S OFFICE,
Albany, February 29, 1884.

Hon. TITUS SHEARD,
Speaker of the Assembly:

SIR: In reply to the following resolution of the assembly, viz:

"*Resolved*, That the adjutant-general be requested to report to this house the number of certificates issued to soldiers from this State for contingent expenses in the war of 1812; the aggregate amount of awards thereon; in what manner the appropriation, heretofore made by the legislature for the payment of these certificates, has been apportioned; together with the amount of principal and interest still remaining unpaid; and such other information as his office may afford in relation to this subject," I have the honor to submit the following report, showing the laws appointing the commission and authorizing the issue of certificates; the number and amount of certificates issued; the appropriations made for their payment, and the manner the money so appropriated was apportioned, together with the sum that will be required to complete their payment.

By chapter 597, laws of 1857, the adjutant-general, the commissary-general, and John S. Van Rensselaer, of the city of Albany, were appointed a board of commissioners to receive proof, ascertain and determine the sums due for contingent expenses of the militia, and the members or individuals of any of the Indian tribes of this State, rendered in the late war with Great Britain, &c., and to issue certificates for the amount found due, payable with interest at the rate of 6 per cent. per annum, as soon as the money shall have been received by the treasurer of this State from the Government of the United States, in satisfaction of said claims.

By chapter 176, laws of 1859, the commissioners appointed by chapter 597, laws of 1857, were directed to deposit in the office of the adjutant-general all books, papers, letters, certificates, &c., belonging to or otherwise pertaining or relating to the

claims submitted to them for adjustment, and the adjutant-general and inspector-general were authorized to take possession of such papers, revise all proceedings of commissioners first appointed, receive proof, determine sums due, and issue certificates, and report to the legislature the number and amount of certificates issued, in order that proper measures should be taken to obtain payment therefor from the Government of the United States.

Under this law (chapter 176, of 1859), 17,228 claims were audited, the aggregate of awards on which amounted to $877,628.

Chapter 228, laws of 1861, abolished this commission.

April 23, 1863, the following concurrent resolution was passed by the legislature, viz: "*Resolved, &c.*, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the passage of a law to obtain from the United States the money required to pay the claims of the several persons which have been audited and found due for contingent expenses of the militia of the State of New York in the late war with Great Britain."

This resolution was referred to a committee of Congress, and, it is understood, was reported favorably, but no further action taken.

Chapter 470, laws of 1869, appropriated $50,000 toward the redemption of the certificates for claims for services in the war of 1812, "to be distributed pro rata among the survivors of the war of 1812, who shall be living in this State and who shall be named in and who shall hold such certificates," and if any part of the appropriation remains after such distribution, then first to widows of such soldiers, and then to their legal representatives.

Under this law (chapter 470, 1869), two thousand six hundred and twenty-nine certificates were presented and allowed, the aggregate amount of principal of which was $135,791.93. This appropriation paid 36.82\frac{37}{100}$ on the $100.

Chapter 524, laws of 1870, made a further appropriation of $100,000. Five hundred and forty-one additional certificates were presented and allowed.

Number of certificates allowed in 1869	2,629
Number of certificates allowed in 1870	541
Number of certificates allowed thus far	3,170
Amount of principal of certificates allowed in 1869	$135,834 93
Amount of principal of certificates allowed in 1870	28,044 99
Total amount of principal of certificates allowed thus far	163,879 92
On $100:	
Percentage of 1869	36 82.37
Percentage of 1870	54 69.68
Percentage of principal paid on certificates allowed thus far	91 52.05

Chapter 517, laws of 1872, authorizes and requires the adjutant-general to hear and determine the claim of any soldier of the war of 1812, and, upon proof that would have entitled him to a certificate under chapter 597 of the laws of 1857, to issue to said soldier a certificate, as provided in said act, for the amount due, which certificate shall have the same force and effect as if issued under said law; but no obligation to pay the same is hereby created against the people of the State.

Chapter 350, laws of 1874, makes an additional appropriation of $100,000, to be apportioned, paid out and disbursed as provided in chapter 470 of the laws of 1879, and chapter 524, laws of 1870.

Number of certificates allowed heretofore	3,170
Number of certificates allowed in 1874, including 44 issued under law of 1872	135
Total number of certificates allowed	3,305
Amount of principal of certificates allowed in 1869–70	$163,879 92
Amount of principal of certificates allowed in 1874	9,535 61
Total amount of certificates allowed	173,415 53

The appropriation of $100,000, made by this law (chapter 350, 1874), was apportioned as follows:

Amount apportioned on the certificates allowed in 1874, to equalize them with those allowed in 1869 and 1870	$5,947 98

Amount of pay balance of principal on all certificates allowed	$14,466 73
Amount toward payment of interest	79,585 29
Total	100,000 00
On $100:	
Percentage of 1869 and 1870	$91 52.05
Percentage balance of principal	8 47.95
Total	100 00
Percentage of interest	46 72
Total amount of principal of certificates issued	$877,628 00
Amount of principal of certificates allowed and paid	173,415 53
Amount of principal of certificates on which no part of principal or interest has been paid	704,212 17
It will require to complete payment of interest on certificates allowed	87,000 00
To pay principal of certificates on which nothing has yet been paid	704,212 47
To pay interest on certificates of which no part of principal or interest is paid, viz: On $704,212.47, 26 years, at six per cent	1,098,572 28
Total	1,889,784 75

STATE OF NEW YORK.

Certificate. No.

We, the undersigned, pursuant to chapter 176 of the laws of 1859, passed April 8, 1859, do hereby certify that we have audited and revised the claim of ——— ———, and that there is due to him the sum of ——— dollars, with interest, at the rate of six per centum per annum, from August, 1858, for contingent expenses adjudged to him by us in pursuance of the provisions of said act.

——— ———, *Adjutant-General, N. Y. S. M.*
——— ———, *Inspector-General, N. Y. S. M.*
——— ———, *Attorney for claimant.*

Dated Albany, July 4, 1859.

Of the 17,228 certificates issued by the board of commissioners appointed by chapter 176, laws of 1859, over 1,000 are in the hands of the comptroller, never having been delivered or called for.

Very respectfully,

J. G. FARNSWORTH,
Adjutant-General.

The character of the claims which were audited in pursuance of the said acts of 1857 and 1859, and of the evidence required to establish them before the boards, is shown by the following copy of the proof of one of said claims filed with the commissioners:

DECLARATION.

UNITED STATES OF AMERICA,
State of New York, county of Onondaga, ss:

On this 12th day of June, A. D. 1857, personally appeared before me, a justice of the peace within and for the county and State aforesaid, Thomas Green, aged 63 years, a resident of Onondaga County, in the State of New York, who being duly sworn according to law, declares that he is the identical Thomas Green who was a drummer in the company commanded by Capt. Seth Saxton, in the ——— regiment of ———, commanded by Col. Chris. Bellinger, in the war with Great Britain, declared by the United States on the 18th day of June, 1812. That he volunteered or was drafted under the general orders of the governor of this State, for its defense at ———, on or about the 30th day of August, A. D. 1814, for the term of three months, and under further general orders of said Governor he volunteered at ———, on or about the ——— day of ———, A. D. ——— for the term of ———, and continued in actual service in said war, for the term of three months, and was honorably discharged from said service; for which he has received from the United States his two land warants, No ——— for 40 and 120 acres, and that he has not received any pay for the said service, nor portion of the sum directed to be paid him by the act entitled "An act for the relief of certain volunteers and militia called into service for the defense of the frontiers of the State in the late war, and for other purposes," passed April 21, 1818; and the act of 9th April,

1819, and that there is now due and payable to him from the State of New York the sum of $18, with interest thereon, agreeable to the said law. And further, in the performance of the service before recited, he furnished at his own cost the following clothing and equipments, as directed by the "act to organize the militia of the State of New York," &c., passed March 29, 1809, and the general orders heretofore referred to: One hat, $2.50; 1 plate and plume, $1; 1 ordinary coat, $5; 1 vest, $2; 1 pair pantaloons, $4; 1 stock, 25 cents; 1 overcoat, $7; 1 blanket, $1; 1 knapsack, $2; 1 canteen, 50 cents; 1 drum, $8; 2 pairs stockings, 75 cents; 2 shirts, $3; 1 pair Suwarrow boots, $4.50; cash paid for transportation to Sackett's Harbor, $6; cash paid for transportation from Sackett's Harbor, $6; in amount $53.50, which were depreciated, worn out, lost, and destroyed in said service, for which he has not received payment, either in part or whole. And that the said sum, together with his additional pay of $18, is justly due and payable to him, with interest thereon, for his services and contingent expenses as volunteer or draft in the militia of said State, for its defense during the said war, as provided to be paid by the act entitled "An act for the relief of certain volunteers," &c., passed April 21, 1818.

THOS. GREEN.

STATE OF NEW YORK,
County of Onondaga, ss:

I, Josiah G. Holbrook, justice of the peace, within and for the county and State aforesaid, do hereby certify that the militia service of Thomas Green, as set forth, has been acknowledged and confirmed by the United States issue to him of land warrant No. ——, for forty and hundred and twenty acres, under the bounty land act, passed by Congress September 28, 1850.

I also certify that the said Thomas Green is personally known to me, or has been proven to my satisfaction to be the person above described, and subscribed the before written matter in my presence, and duly made oath, according to law, that the foregoing claim, to the best of his knowledge and belief, is true.

In testimony whereof, I have hereunto subscribed my name this 2d day of July, 1857.

J. G. HOLBROOK, *Justice.*

Your committee are informed that no further proof of the claim than a declaration of the character above set forth, verified by the claimant, was required to establish a claim, and that the claims were not in all cases audited for the full amount, but were scaled down as the length of the service of the claimant and other circumstances connected with the particular claim seemed to require. The declarations, an index of awards made by the commissioners, and the certificate issued by them to claimants constitute the record evidence to support said claims. The index of awards is a book in which the awards are entered in alphabetical order. The following is a copy of the first page of said book, and a statement of the amount claimed, and the term of service of each claimant whose name appears on that page:

Index of awards.

Number.	Name of applicant.	Residence of applicant.	Amount allowed.
14050	Abbey, Alanson	Steuben County, Indiana	$72 00
13371	Abbey, Ansel, by executrix	New Albany, Ind	55 00
6531	Abbey, Henry	Sandersfield, Mass	22 00
7745	Abbey, Joseph	Hector, Schuyler County, New York	60 50
7282	Abby, Harry, by executor	Conneautville, Pa	58 00
3215	Abby, Jeremiah	Royalton, Niagara, N. Y	47 00
2790	Abell, Henry S	Milton Saratoga, N. Y	58 00
5420	Abell, John	Orleans, Jefferson County, New York	38 50
12428	Abell, Rupell	Quahan, Medina County, Ohio	73 00
3401	Abell, Zebediah	Middleton, Delaware County, New York	53 00
6895	Abbott, Abraham	Livingston County, Michigan	21 00
*1880	Abbott, John	Victory	70 00
8563	Abbott, John, by administratrix	Victory, N. Y	83 00
8939	Abbott, Daniel J	Lyons, N. Y	80 00
3544	Abbott, Ephraim	Keene, Mich	55 00
1249	Abbott, Harry	Poland, N. Y	43 00
9903	Abbott, Harry	East Hamburgh, N. Y	20 00
2097	Abbott, John P	Hamilton, N. Y	100 00
9722	Abbott, Joshua	Portage, Livingston County, New York	23 50
16212	Abbott, Orrin	Albany, N. Y	55 00

* Duplicate.

The following table accompanies copy of first page of index of awards:

Number of certificate.	Amount claimed.	Term of service.
14050	$105 25	Six months.
13371	169 00	Three months.
6531	70 50	One month.
7745	72 25	Three months.
7282	100 00	Three months.
3215	74 00	Three months and fourteen days.
2790	135 00	Three months.
5420	76 50	Two months.
12428	113 25	Four months.
3401	56 75	Three months.
6895	63 50	One month.
1880	73 00	Six months.
8563	61 50	First enlistment, 8 weeks; second enlistment, August, 1814; died prisoner of war February 5, 1815.
8939	195 00	Nine months.
3540	49 00	Three months.
1249	70 50	Two mo ths.
9803	85 00	One month.
2097	89 50	One year.
9722	38 00	Five weeks.
16212	55 00	Three months.

The principles upon which the States have preferred claims against the General Government for expenses incurred by them in repelling invasion and in suppressing Indian hostilities are predicated upon the fourth section of the fourth article of the Constitution of the United States, which provides that—

> The United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

And upon the latter part of the tenth section of the first article of the Constitution, which is as follows:

> No State shall, without the consent of Congress, lay any duty on tonnage, equip troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

There is a long, and we believe, an unbroken line of precedents for the payment of claims of the States and Territories preferred under these provisions of the Constitution for expenses incurred by them on account of volunteers and State militia called out for their protection in cases of invasion, or threatened invasion, and Indian hostilities, where the emergency was such as to require action before the United States could or did take effective measures for their protection.

The following are references to acts of Congress by which payment for claims of such a character has been provided:

REFERENCE TO ACTS AUTHORIZING PAYMENT OF CLAIMS OF STATES AND STATE TROOPS ARISING OUT OF INVASION AND INDIAN HOSTILITIES.

By act approved March 3, 1797, entitled "An act making appropriations for the military and naval establishments for the year 1797," appropriations were made to satisfy and discharge claims for militia service on the frontiers of Georgia, the sum of $70,496.35; for militia

service on the frontiers of Kentucky, $3,836.76; and for militia service on the frontiers of South Carolina, the sum of $8,400.25.

By an act approved May 13, 1800, the accounting officers of the Treasury were authorized to settle the accounts of the militia who served on an expedition commanded by Major Thomas Johnson against the Indians, in the year 1794, the same to be paid out of any moneys in the Treasury not otherwise appropriated.

By section 3 of an act of Congress approved March 14, 1804, making appropriations for the support of Government for the year 1804, it was provided "that the sum which shall be found due on a settlement of the accounts of the militia who served on an expedition commanded by Major Thomas Johnson against the Indians in the year 1794, be paid out of any moneys in the Treasury not otherwise appropriated, the appropriation made by the act of the 13th of May, 1800, having been carried to the credit of the surplus fund."

By an act approved February 21, 1812, making appropriations for the support of the military establishment of the United States for the year 1812, the sum of $32,800 was appropriated for the expenses of calling into actual service in the years 1809, 1810, and 1811 the militia of the Louisiana and Indiana Territories and State of Kentucky.

By an act entitled "An act making appropriations for the military service of the United States for the year 1827," approved March 2, 1827, an appropriation of $129,375.66, to be paid under the direction of the Secretary of War, was made for the settlement of the claims of the militia of Georgia for services rendered during the years 1793 and 1794, agreeably to the estimates of Constant Freeman.

By act approved March 21, 1828, the Secretary of War was required to pay the claims of the militia of the State of Illinois and the Territory of Michigan, called out by any competent authority, on the occasion of of the then recent Indian disturbances, and that the expenses incident to the expedition should be settled according to the justice of the claims. (See Laws of the United States, vol. 4, p. 258.)

By the second section of an act approved March 2, 1829 (Army appropriation bill) an appropriation was made of $856.55 to pay a company of Illinois militia commanded by Captain Morgan, called into service on the northwestern frontier in 1827 to be settled by the Secretary of War agreeably to the third section of the Army appropriation bill, approved March 21, 1828.

By an act approved February 11, 1830, the Secretary of the Treasury was directed to cause to be paid to the proper officer of the Commonwealth of Pennsylvania the sum of $13,795.54, standing on the books of the Treasury Department to the credit of the agent of Pennsylvania, for paying the militia of that State in the year 1794.

By an act approved March 2, 1831 (Army appropriation bill), an appropriation of $9,085.54was made for the payment of the claim of the State of Missouri against the United States for the service of her militia against the Indians in the year 1829, provided that the Secretary of War should, upon a full investigation, be satisfied that the United States was liable for the payment of the said militia, under the second paragraph of the tenth section of the first article of the Constitution of the United States.

By the second section of an act approved April 5, 1832 (Army appropriation bill), the Secretary of War was required to adjust and pay claims of the militia called out by competent authority and received into the service of the United States by general officers of the United States Army in the year 1831, and all charges and expenses incident

to the service of said troops agreeably to the provisions of the third section of an act making appropriations for the military service of the United States, approved March 21, 1828, which provides for the payment of like expenses of troops called out in 1827; and by an act approved January 14, 1836, the sum of $120,000 was appropriated to defray the expenses attending the suppression of hostilities with the Seminole Indians of Florida, to be expended under the direction of the Secretary of War, conformably to the provisions of the above act of April 5, 1832.

By the third section of an act approved June 15, 1832, entitled "An act for the reappropriation of certain unexpended balances of former appropriations, and for other purposes," an appropriation of $300,000, or so much thereof as might be necessary, was made for the purpose of paying the militia of the State of Illinois called into the service of the United States by competent authority, and for paying the expenses incurred in defending the frontier from invasion by several bands of hostile Indians, including the pay of the militia legally called out for the same purpose in the neighboring States and Territories, to be paid under the authority of the Secretary of War, agreeably to the second section of an act making appropriations for the support of the Army for the year 1832; and by an act approved July 14, 1832, an additional appropriation of $100,000 was made for the same purpose.

By an act approved May 14, 1834 (Army appropriation bill), appropriations were made for the payment of the general and staff officers and six companies of Missouri militia ordered into the service by the governor of that State in 1832; for paying any balance which might be found due for militia service in the Territory of Michigan in the late war against Black Hawk and his followers; and for the payment of Captain McGeorge's company of Indian militia for services prior to the year 1832, provided the Secretary of War should be satisfied that the said company was entitled thereto.

By an act approved May 28, 1836, the Secretary of War was directed to cause to be paid the expenses that had been incurred and the supplies that had been furnished in the States of South Carolina, Georgia, Alabama, Louisiana, and the Territory of Florida, on account of the militia or volunteers received into the service of the United States for the defense of Florida, provided that the accounts for such claims should be examined and audited at the Treasury, as in other cases.

By the second section of said act the Secretary of War was authorized to cause the militia called out to defend East Florida by Clinch and Hernandez, by the governor in Middle and West Florida, and such other militia and volunteers as had been received and mustered into the service of the United States and regularly discharged, to be paid in like manner with the volunteers and militia ordered into service under orders from the War Department.

By an act approved July 2, 1836, the Secretary of War was directed to ascertain the sums severally due to persons who performed duty in the companies commanded by Captains Crawford, Wallis, and Long, of the militia of Missouri, and in the companies of Captain Siglor, of the militia of Indiana, for the protection of the frontiers of those States against the Indians, and to cause them to be paid for the time they were actually engaged in said service in the year 1832, at the rate and according to the principles established for the payment of similar services rendered the United States.

By act approved March 1, 1837, an appropriation was made for the payment of the Tennessee volunteers, called out by the proclamation of Governor Cannon on the 28th of April, 1836, to suppress Indian hos-

tilities; and an appropriation was also made to reimburse Governor Cannon for moneys expended on account of such volunteers. (See Laws of United States, vol. 5, p. 150.)

By the second section of an act approved March 1, 1837, an appropriation was made for pay, traveling, and clothing for six months and other legal expenses of the Tennessee volunteers, mustered into the service of the United States, under the requisition of General Gaines, under date April 8, 1836, and the proclamation of Governor Cannon of 28th of same month, and approved by the Secretary of War, May 9, by direction of the President; and also for pay, traveling, and clothing and other legal expenses of Tennessee volunteers, mustered into the service of the United States, under the order of the Secretary of War, May 25, and of Governor Cannon's proclamation of June 6, 1836; also for pay, traveling, and clothing and other legal expenses of Tennessee volunteers, mustered into the service of the United States, under General Gaines's requisition, under date June 28, and Governor Cannon's proclamation of June 20, 1836; also for payment of liabilities incurred by Governor Cannon in raising money, so far as said money was properly expended in the service of the United States, on account of the aforesaid volunteers; also for the payment of the executive staff of the governor of Tennessee while actually engaged in obtaining, organizing, mustering, or marching volunteers during the year 1836, to place of their rendezvous, or making returns of said volunteers.

By the third section of said act the Secretary of War was directed to cause to be paid to the volunteers and militia of Kentucky, Tennessee, Alabama, and Mississippi, including the companies in Mississippi mustered into the service, who were duly called into service, and whose service was accepted by the executives of the States, respectively, during the summer of the year 1836, under requisitions from the Secretary of War, or from generals commanding the troops of the United States, and who were discharged before marching, the amount of one month's pay, with all the allowances to which they would have been entitled if they had been in actual service during the period of one month; and by the fourth section of said act an appropriation was made for paying the Rifle Rangers, Coosada Volunteers, and Independence Blues, under the command of Major Holt; and for the payment of Major Holt and battalion staff, to be paid on presentation of the rolls of said companies and battalion staff to the Paymaster-General, with evidence of the time they were in the service against the Creek Indians in the months of May and June, 1836.

By act approved July 7, 1838, an appropriation was made of such amount as should be found due by the Secretary of War and the accounting officers of the Treasury, out of the appropriation for the prevention of hostilities on the northern frontier, to reimburse the State of New York for expenses incurred in the protection of the frontier in the pay of volunteers and militia called into service by the governor. (See 5 U. S. Stats., p. 268.)

By act approved March 3, 1841, a direct appropriation was made to the city of Mobile for advances of money and expenses incurred in equipping, mounting, and sending to the place of rendezvous two full companies of mounted men, under a call from the governor of Alabama at the beginning of the hostilities of the Creek Indians. (See Laws, vol. 5, p. 435.)

By an act approved September 9, 1841, $19,388.02 was appropriated for the payment of the balance required in addition to the sum applicable out of the amount appropriated at the previous Congress for

arrearages of pay of Florida militia called into the service by the governor of the Territory in 1840, and $297,213.92 was appropriated for arrearages of pay due Florida militia commanded by Brigadier-General Read for six months' service, commencing November, 1840.

By the same act, $78,495.92 was appropriated for arrearages of pay due to a battalion of Georgia militia for service on the frontiers of Georgia and Florida in 1840 and 1841.

By an act approved June 13, 1842, the State of Maine was reimbursed for the expenses of the militia called into service by the governor for the protection of the northeastern frontier. (See 5 U. S. Stats., p. 490.)

By act of August 11, 1842, $175,000 was appropriated as a balance for the payment and indemnity of the State of Georgia for any moneys actually paid by said State on account of expenses in calling out her militia, during the Seminole, Cherokee, and Creek campaigns, or for the suppression of Indian hostilities in Florida and Alabama. (See Laws, vol. 5, p. 504.) By act approved August 29, 1842, a similar appropriation was made to the State of Louisiana. (See Laws, October 5, p. 542.)

By an act approved August 16, 1842, the Secretary of War was directed to audit and adjust the claims of the State of Alabama under such laws and regulations as had theretofore governed the Department in auditing and allowing the claims of the States upon the United States for moneys paid by said States for subsistence, supplies, and services of local troops called into the service by the authorities of said State, but not mustered into the service of the United States and for provisions and forage furnished friendly Indians during the Creek and Seminole hostilities in the years 1836 and 1837, in all cases in which payment was for subsistence, supplies, and service, provisions and forage which would have been paid for under existing laws and regulations if such troops had been mustered into the service of the United States and the provisions and forage had been furnished by an agent of the United States.

By act approved August 23, 1842, the proper accounting officers of the War Department were directed to examine and adjust the claims for pay of Lieutenant-Colonel Bailey and staff, Major Bailey and staff, the officers of the Quartermaster's Department, and the companies of Captains Grigsby, Hogan, McIvers, Langford, Hall, Burney and Bailey, all of the Florida militia called into the service in 1839 and 1840, as if they had been regularly called out and mustered; and by an act approved August 31, 1842, the appropriations made for subsistence by the above act were made applicable to the settlement of any claims for subsistence furnished to the Florida militia in 1839 and 1840, not theretofore settled.

By an act approved August 29, 1842, the sum of $61,378.15 was appropriated to pay the balance due the State of Louisiana for expenditures incurred in raising, equipping, and paying off a regiment of volunteer militia employed in the service of the United States in the Seminole war.

By an act approved February 4, 1843, the Secretary of War was authorized to cause to be paid to the companies of Captains Johnson, Henderson, Knight, Jones, and North, for services rendered in the year 1840, according to the muster-rolls of said companies, and also the companies of Captains Jernigan and Sweat, for services rendered in the year 1841, according to the muster-rolls of said companies, such payment to be governed by the laws and regulations applicable to the payment of volunteers and militia of the United States.

By an act approved February 24, 1843, the proper accounting officers of the Treasury were required to settle the accounts of four companies of the militia of the State of Michigan, ordered into service by the governor of the State, on the requisition of the United States marshal, for the maintenance of neutral obligations and laws of the United States, and also to audit and settle the claims of the Brady Guards and volunteer company of the city of Detroit, for like services during the disturbances in the year 1838 on the frontiers of Canada.

By act approved March 3, 1843, the accounting officers of the Treasury were authorized and required to settle the claims for supplies furnished the Florida militia, the payment of which was provided for by act of August 23, 1842, upon principles of equity and justice, under the directions of the Secretary of War.

By an act approved August 10, 1846, there was directed to be paid to the State of Alabama the sum of $13,455.32 for moneys paid by said State for subsistence and supplies furnished the friendly Indians during the Creek and Seminole hostilities in the years 1836 and 1837.

By act approved August 7, 1848, the Secretary of the Treasury was directed to pay to the mounted Tennessee volunteers who served in the companies of Captains Gillespie, Peake, Vernon, and Rogers in 1836, to each the sum of 40 cents per day for the use and risk of his arms, and the sum of 15 cents per day for forage from the 1st of November, 1836, until they were finally discharged.

By an act approved January 26, 1849, the Secretary of War was directed to pay interest upon the advances made by the State of Alabama for the use of the United States Government in the suppression of hostilities by the Creek Indians in 1836 and 1837, at the rate of 6 per cent. per annum from the time of the advances until the principal of the same was paid by the United States to the State. And in ascertaining the amount of interest it was provided that interest should not be computed on any sum which Alabama had not expended for the use and benefit of the United States, as evidenced by the amount refunded to the State of Alabama by the United States, and that no interest should be paid on any sum on which the State of Alabama did not either pay or lose interest, as aforesaid.

By the second section of the act approved September 30, 1850, making appropriations for the expenses of the Indian Department, the accounting officers of the Treasury were directed to settle the accounts of the companies of Texas mounted rangers commanded by Captains Hill, Smith, Roberts, Sutton, Ross, McCulloch, Johnson, and Blackwell, who were retained or called into service by the governor of said State.

By an act approved February 14, 1851, the Secretary of the Treasury was directed to settle the actual and necessary expenses incurred by the provisional government of Oregon in defending the people of said Territory from the attacks and hostilities of the Cayuse Indians in 1847 and 1848, upon the presentation by the governor of said Territory to the Secretary of the Treasury of a full, accurate, and detailed statement of the actual and necessary expenses of said defense from said hostilities, accompanied by proper vouchers and satisfactory proof of the correctness thereof, authenticated in conformity with the usages of the Department.

By an act approved March 3, 1851, the Secretary of War was authorized to allow to the State of Georgia for advances made to the United States for the suppression of hostilities of the Creek, Seminole, and Cherokee Indians in the years 1835, 1836, 1837, and 1838, with interest at the rate of 6 per cent. per annum on all sums allowed and paid to the

State of Georgia and that might thereafter be allowed and paid for any moneys advanced by the State for the purposes aforesaid, from the date of such advances until the principal sums were or might be paid by the United States, with the proviso that no interest should be paid on any sum on which Georgia did not either pay or lose interest.

By an act passed the same day as the above act, the proper accounting officers of the Treasury were directed to settle the claim of the State of Maine against the United States, being for interest on money borrowed and actually expended by her for the protection of the northeastern frontier of said State during the years 1839, 1840, and 1841, the amount of such interest to be ascertained under the following rules:

1. Interest not to be computed on any sum not expended by the State for the use and benefit of the United States, as evidenced by the amount refunded or paid to the State by the United States.
2. No interest to be paid on any sum on which the State did not either pay or lose interest.

By act approved July 21, 1852, making appropriations to supply deficiencies in the appropriations for the year ending June 30, 1852, the sum of $80,741 was appropriated for pay of five companies of Texas mounted volunteers.

By an act approved August 3, 1852 (Army appropriation), the Secretary of War was required to pay to the State of South Carolina such sums of money as were paid by said State in 1838, 1839, and 1840 for services, losses, and damage sustained by her volunteers in the Florida war of 1836, 1837, and 1838, while in the service of the United States, and on their return from said service, as were ascertained and allowed by the Board of Commissioners appointed for that purpose by the act of the legislature of said State in 1837, with the proviso that no interest should be allowed upon moneys paid to the State of South Carolina under the provisions of said act. And it was by said act further provided that in the settlement of the claims of the State of Georgia, under the act of August 11, 1842, providing for the settlement of of the claims of that State for the service of her militia, which had theretofore been suspended or disallowed, the accounting officers of the Treasury Department should allow and pay, upon proof that the State had allowed and paid the same, all accounts for forage, subsistence, hospital stores, medical service, and transportation which had not theretofore been allowed by the United States. And it was further provided by said act that in the adjustment of the accounts of the State of Maine, under the act of June 13, 1842, the proper accounting officers of the Treasury should include and allow the claims which had theretofore been presented under said act, provided it should be satisfactorily shown that said claims had been actually allowed and paid by said State.

By act approved March 2, 1853, the Secretary of the Treasury was directed out of the appropriation mentioned in the act to "settle and adjust the expenses of the defense of the people of Oregon from the attacks and hostilities of the Cayuse Indians, in the years of 1847 and 1848, approved February 14, 1851," the sums found due and allowed by Commissioners Wait and Rice and by the governor of Oregon.

By an act approved March 3, 1853, second section, the proper accounting officers of the Treasury Department were authorized to settle the claims of the State of Florida for services of her troops under the act of February 27, 1851, by the provision stated for the settlement of the claims of the State of Georgia for like services, under the act approved August 31, 1851 (Army appropriation bill).

By the eighth section of an act approved March 3, 1853, the Secretary of the Treasury was directed to pay to the State of Georgia her claims remaining unpaid for moneys paid by the State in suppressing hostilities of the Cherokee, Creek, and Seminole Indians in the year 1835 and since, upon proof that the same was paid by the State, and that the provisions of the act relative to the settlement of the claims of Georgia for military service, approved March 3, 1851, should be extended to payments under said act.

The Secretary of the Treasury was also by said act required to pay the State of Alabama, under the provisions of the acts of Congress of August 16, 1842, and January 26, 1849, the balance due said State, growing out of the Creek Indian hostilities of 1836 and 1837; and by the twelfth section of said act it was provided that in the adjustment of the accounts of the State of Virginia under the twelfth section of the act of August 31, 1852, the Secretary of War should follow the provisions of the act of June 2, 1848, providing for refunding to the several States the amounts expended by them in raising regiments of volunteers for the Mexican war.

By act approved May 31, 1854, to supply deficiencies in the appropriations for the year ending June 30, 1854, the sum of $1,000 was appropriated to pay arrearages of pay for services of volunteers in the Kentucky regiment called into service in 1836.

By act approved March 3, 1853, supplying deficiencies in the appropriations for the year ending June 30, 1853, the sum of $10,569.06 was appropriated for Mexican hostilities.

By the same act the sum of $18,060.49 was appropriated for pay of Louisiana and Texas volunteers.

By the same act the unexpended balance of the appropriation by the act of June 19, 1834 (see vol. 5, p. 680, Stats. at Large) "for payment of the Georgia militia," &c., which had passed by subsequent acts into the surplus fund, was reappropriated.

By the same act $7,241.93 was appropriated for arrearages of pay due Florida militia under General Read.

By act approved August 5, 1854, the sum of $924,259.65 was appropriated to reimburse the State of California for expenditures "in the suppression of Indian hostilities within the State prior to the 1st day of January, 1854." (See U. S. Stats. at Large for 1853 and 1854.)

By an act approved March 3, 1855, making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1856, it was provided that the sum of $25,000 be appropriated to pay the necessary expenses of six companies of volunteers called into the service of the United States by Brigadier-General Smith, in the State of Texas, to be paid under the direction of the Secretary of War.

By an act making appropriations for the support of the Army for the year ending the 30th of June, 1856, and for other purposes, approved March 3, 1855, an appropriation of $137,755.38 was made for pay, supplies, and traveling expenses of six companies of Texas volunteers called into the service by the governor of Texas and mustered into the service of the United States.

By act approved August 18, 1856 (section 8), the Secretary of War was authorized and directed to pay to the holders of the war bonds of the State of California the amount of money appropriated by act of Congress approved May [August] 5, 1854, in payment of expenses incurred and actually paid by the State of California for the suppression

of Indian hostilities within the said State prior to the 1st day of January, 1854, under the following restrictions and regulations:

Before any bonds were redeemed by the Secretary of War they were required to be presented to the board of commissioners appointed under an act of the legislature of said State, approved April 19, 1856, and the amount due and payable upon each bond indorsed thereon by said commissioners; the amounts in the aggregate not to exceed the amount appropriated by act of August 5, 1854.

By act approved March 3, 1857 (section 9), the Secretary of War was authorized and required to pay to the State of Arkansas such sums of money as were paid by said State, under act of legislature of that State approved January 5, 1849, to the Benton County militia, called into service to resist incursions of the Cherokee Indians in July, 1846, not to exceed $1,212.

By the eleventh section of an act approved March 3, 1857, making appropriations for the support of the Army for the year ending June 30, 1858, the Secretary of War was required to cause to be audited and settled the accounts of the State of Florida against the United States for money advanced by that State in payment of volunteers called into service for the suppression of Indian hostilities in 1849 and 1852, provided it should be satisfactorily shown that said claims had been actually allowed and paid by the State; and by the twelfth section of the same act the Secretary of War was directed to settle the actual and necessary expenses incurred by the militia called into the service in the Territory of New Mexico, by acting Governor Messervey, in the year 1854, to suppress Indian hostilities in said Territory, provided the Secretary should be first satisfied that the calling out of said militia was necessary and proper for the defense of the Territory.

By act approved March 3, 1859, for the purpose of executing the resolution of May 14, 1836, the Secretary of the Treasury was directed to pay to Massachusetts $227,176.48, reported to be due said State by Secretary of War, J. R. Poinsett, in report dated December 23, 1837, made to House of Representatives December 27, 1837, and it was provided that in lieu of payment in money the Secretary of the Treasury might, at his discretion, issue to said State United States stock bearing 5 per cent. per annum, and redeemable at the end of ten years, or sooner, at the pleasure of the President.

By a clause of the same act (for the support of the Army for the year ending June 30, 1860) provision was made for the payment to Minnesota for expenses incurred by Capt. James Starkey's company of Minnesota Volunteers, called out by the governor of the State in 1857, to protect the settlers of the valley of Sunrise River against the Chippewa Indians.

By section 2 of the same act the Secretary of War was authorized to repay to the State of Texas moneys advanced by that State for the payment of six companies of mounted volunteers called into service by General Persifor F. Smith, November 1, 1854, for three months, provided that no greater pay or allowances be given these troops than was given to similar troops in the service of the United States.

By section 2 of an act approved June 21, 1860, the provisions of the act of March 3, 1859, were extended so as to include all the moneys advanced by the State of Texas in payment of volunteers called out in defense of the frontier of that State since February 28, 1855, provided the Secretary of War should be satisfied that there was necessity for calling out these troops, that they were called out by competent authority, and that the amount so claimed was actually paid by the State.

The amount was limited to $123,544.51, and the troops to be paid only for time in active service.

By the seventh section of same act (June 21, 1860) the twelfth section of act of March 3, 1857, was extended so as to embrace the pay proper and allowances of the militia of New Mexico therein named, the amount being limited to $74,009; and the troops to be paid only for time in active service, at no greater rate than those in United States service.

By the fifth section of same act the Secretary of War was authorized to pay to the State of Iowa moneys paid by that State to troops called out by the governor of that State in 1857-'58-'59, to protect the frontier from Indian incursions, provided there was necessity for such calling out of troops and the moneys had been actually paid out by the State, with the usual provisos as to necessity, rate of pay, and limitation as to amount, which was $18,988.84.

By the act approved June 21, 1860 (it being an Army appropriation bill), the sum of $18,988 was appropriated to reimburse the State of Iowa for the expenses of militia called out by the governor "to protect the frontier from Indian incursions." (See 12 U. S. Stats., p. 68.)

By the same act the sum of $123,544.51 was appropriated to the State of Texas for the "payment of volunteers called out in the defense of the frontier of the State since the 28th of February, 1855." By the "act making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1864, and for other purposes," an appropriation was made to "pay the governor of the State of Minnesota, or his duly authorized agent, the costs, charges, and expenses properly incurred by said State in suppressing Indian hostilities within said State, and upon its borders, in the year 1862, not exceeding $250,000, to be settled upon proper vouchers to be filed and passed upon by the proper accounting officers of the Treasury." (See 12 U. S. Stats., p. 754.)

By act approved February 2, 1861, there was appropriated to reimburse the Territory of Utah "for expenses incurred in suppressing Indian hostilities in said Territory in the year 1853," the sum of $53,512. (See 12 U. S. Stats., p. 15.)

By act approved March 2, 1861, the State of California had appropriated to her $400,000 to defray the expenses incurred by the State in suppressing Indian hostilities for the years 1854, 1855, 1856, 1858, and 1859. (See 12 U. S. Stats., p. 199.)

By another act of March 2, 1861, $400,000 was appropriated for pay of volunteers in Oregon and Washington in suppression of Indian hostilities in 1855-'56.

In the sundry civil bill passed July 2, 1864, an appropriation of the sum of $117,000 was made "to supply a deficiency in the appropriation for the costs, charges, and expenses properly incurred by the State of Minnesota in suppressing Indian hostilities in the year 1862." (See 13 U. S. Stats., pp. 350, 351.)

By act approved May 28, 1864, the sum of $928,411 was appropriated for the payment of damages sustained by citizens of Minnesota "by reason of the depredations and injuries by certain bands of Sioux Indians." (See 13 U. S. Stats , p. 92.)

By act approved March 3, 1873 (sundry civil bill for the year ending June 30, 1874), $10,000 was appropriated to reimburse the State of Nebraska for expenses incurred in the suppression of Indian hostilities in 1864, to be paid by warrant in favor of the treasurer of said State.

By act approved March 3, 1875, making appropriations for sundry civil expenses of the Government for the year ending June 30 1876, th

sum of $25,000 was reappropriated for the payment of volunteers of Washington and Oregon Territories, who were engaged in the suppression of Indian hostilities therein in the years 1855 and 1856, and for the payment of claims for services, supplies, and transportation incurred in the maintenance of said volunteers, and for horses and other property lost or destroyed in said service, as provided for by the act of Congress approved March 2, 1861.

By the first section of an act of Congress approved June 27, 1882, the Secretary of the Treasury was authorized and directed, with the aid and assistance of the Secretary of War, to cause to be examined and investigated all the claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho against the United States for money alleged to have been expended and for indebtedness alleged to have been assumed by said States and Territories in organizing, arming, equipping, supplying clothing, subsistence, transporting and paying the volunteer and military forces of said States and Territories called into active service by the proper authorities thereof between the 15th day of April, 1861, and the date of said act to repel invasion and Indian hostilities in said States and Territories and upon their borders, including all proper expenses necessarily incurred by said States and Territories on account of said forces having been so called into active service, and all proper claims paid or assumed by said States and Territories for horses and equipments actually lost by said forces in the line of duty in active service, excepting the claim of the State of Oregon for expenditures in suppressing the Modoc Indian hostilities.

By the second section of said act it was provided that no higher rate for supplies, transportation, and other proper expenses than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in said States and Territories, and for similar supplies, transportation, and other proper expenses during the same time furnished the United States Army in the same country, and that no allowance should be made for the services of such forces except for the time during which they were engaged in active service in the field, or for expenditures for which the Secretary of War should decide there was no necessity at the time and under the circumstances.

By an act approved January 6, 1883, to reimburse the State of Oregon, the Secretary of the Treasury was authorized and directed to pay to the State of Oregon the sum of $70,268.08 in full for moneys paid by said State in suppressing Modoc Indian hostilities during the Modoc war, and in defending the State from invasion by said Indians during the years 1872 and 1873.

And by the second section of said act the Secretary of the Treasury was directed to pay to the State of California and to the citizens thereof, their heirs, representatives, or assigns the sum of $4,441.33 for arms, ammunition, supplies, transportation, and services of volunteer forces in suppressing Indian hostilities in said State during the said years of 1872–'73, as the same were specifically reported to Congress by the Secretary of War December 15, 1874.

By an act entitled "An act to refund to the State of Georgia certain money expended by said State for the common defense in 1777," approved March 3, 1883, the Secretary of the Treasury was required to pay to the State of Georgia the sum of $35,555.42 for money paid by said State for supplies for the troops in 1777 under the command of General Jackson engaged in local defense.

There can be no doubt, we think, that it is the duty of a National Government to assume the payment of expenses incurred in the general military defense.

REFERENCE TO ACTS FOR PAYMENT OF CLAIMS ARISING OUT OF THE REVOLUTIONARY WAR.

In the year 1787, Congress by ordinance provided for the creation of a commission to audit the claims of the several States against the United States on account of payments made for the common defense during the war of the Revolution, and in 1790 the first Congress passed an act recognizing such commission and providing for the payment of all claims which had been prior to September 24, 1788, allowed by the States. Afterwards the act was amended and the commission extended.

By an act approved July 5, 1832, to provide for liquidating and paying certain claims of the State of Virginia, the accounts of Virginia for payments to officers of the Virginia line in the Revolutionary war, &c., were authorized to be paid, $139,543.66 being appropriated; and the Secretary of the Treasury was directed to pay Virginia the amount of judgments rendered against her in favor of certain Revolutionary officers; amount appropriated $241,345.

REIMBURSEMENT OF STATES FOR EXPENSES ON ACCOUNT OF THE WAR OF 1812.

Claims for payments made by the several States on account of expenses incurred for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting volunteers and militia called into the service of the United States in the war of 1812 were audited and settled under the supervision of the Secretary of War in pursuance of general laws, and paid by the United States.

Claims were afterwards presented by the several States to Congress and provision made for their payment on account of expenses which were disallowed by the accounting officers, and for interest on claims which had been presented and allowed without interest, as follows:

By an act approved April 2, 1830, the Secretary of the Treasury was authorized to cause to be paid to the mayor and city council of Baltimore the sum of $7,434.53 in full for their claim against the United States for money borrowed and expended by them in defense of said city in the war of 1812, and by the second section of said act the Secretary of the Treasury was directed to cause to be paid interest on said sum according to the provisions and regulations of "the act to authorize payment of interest due the city of Baltimore," approved May 20, 1826.

By an act approved May 31, 1830, the proper accounting officers of the Treasury, under the superintendence of the Secretary of War, were authorized and directed to audit and settle the claims of the State of Massachusetts against the United States for services of her militia during the war of 1812, in the following cases:

1. Where the militia of said State were called out to repel actual invasion or under a well-founded apprehension of invasion, provided their numbers were not in undue proportion to the exigency.

2. Where they were called out by the authority of the State and afterwards recognized by the Federal Government.

3. Where they were called out by and served under the requisition of the President of the United States or by any officer thereof.

By a joint resolution approved May 14, 1836, entitled "A resolution to authorize the Secretary of War to receive additional evidence in support of claims of Massachussetts and other States of the United States for disbursements, services," &c., during the war of 1812, the Secretary was authorized in preparing his report pursuant to the resolution of House of Representatives agreed to the 24th of February, 1832, without regard to existing rules and requirements to receive such evidence as was on file, and any further proofs which might be offered tending to establish the validity of the claims of Massachusetts upon the United States, or any part thereof, for services, disbursements and expenditures during the war with Great Britain; and in all cases where such evidence should, in his judgment, prove the truth of the items of the claim, or any part thereof, to act on the same in like manner as if the proof consisted of such vouchers and evidence as was required by existing rules and regulations touching the allowance of such claims; and it was provided that in the settlement of claims of other States upon the United States for services, disbursements, and expenditures during the war with Great Britain, the same kind of evidence, vouchers, and proof should be received as therein provided for in relation to the claim of Massachusetts.

By section 7 of said act (March 1, 1837), an appropriation was made to pay all the claims of North Carolina for the services of her militia during the war of 1812 with Great Britain in the cases enumerated in the act approved May 31, 1830, entitled "An act to authorize the payment of the claims of the State of Massachusetts for certain services of her militia during the war of 1812," and also the claims of said State for disbursements in the purchase of munitions or other supplies on account of the war and expended therein.

By the sixth section of an act approved March 31, 1837, an appropriation was made for paying the claims of the State of Connecticut for the services of her militia during the war of 1812, to be audited and settled by the proper accounting officers of the Treasury under the superintendence of the Secretary of War in the following cases:

1. Where the militia of said State were called out to repel actual invasion or under a well-founded apprehension of invasion, provided their numbers were not in undue proportion to the exigency.

2. Where they were called out by the authorities of the State and afterwards recognized by the Federal Government, and

3. Where they were called out and served under the requisition of the President of the United States or of any officer thereof.

By an act approved August 14, 1848, the proper accounting officers of the Treasury were directed to settle the claims for one month's service of the officers and soldiers of the Fourth Regiment in the Second Brigade of the Third Division of the militia of the State of Vermont, who served at the battle of Plattsburgh on the 11th of September, 1814, for their military services on that occasion.

By act approved March 3, 1853, making appropriations for the civil and diplomatic expenses of the Government for the year ending June 30, 1854, an appropriation of $10,334.31 was made for arrearages of pay, subsistence, and clothing due to Capt. Richard McRae's company of Virginia Volunteers, which served in the war with Great Britain in 1812–'13, to be paid to the officers and soldiers of said company or their legal representatives, under the order of the Secretary of War, upon the production of proof as to the identity of said officers and soldiers, and that they have not been paid.

REFERENCES TO ACTS AUTHORIZING PAYMENT OF CLAIMS OF STATES FOR INTEREST ON MONEYS EXPENDED FOR THE USE AND BENEFIT OF THE UNITED STATES DURING THE WAR OF 1812.

By act approved March 3, 1825, the accounting officers of the Treasury Department were authorized and directed to settle the claim of the State of Virginia against the United States for interest upon loans on moneys borrowed and actually expended by her for the use and benefit of the United States during the war of 1812.

By this act it was provided that, in ascertaining the amount of interest, as aforesaid, due to the State of Virginia, the following rules should be understood as applicable to and governing the case, to wit: First, that interest should not be computed on any sum which Virginia had not expended for the use and benefit of the United States as evidenced by the amount refunded or repaid to Virginia by the United States. Second, that no interest should be paid on any sum on which she had not paid interest. Third, that when the principal, or any part of it, had been paid, or refunded by the United States, or money placed in the hands of Virginia for that purpose, the interest on the sum or sums so paid or refunded should cease, and not be considered as chargeable to the United States any longer than up to the repayment, as aforesaid.

The mode of computing interest provided by the above act appears to have been satisfactory at the time to all the States, and their claims against the General Government were authorized to be adjusted, and were adjusted under the same rules for computing interest.

By an act approved May 13, 1826, entitled "An act authorizing the payment of interest due to the State of Maryland," the accounting officers of the Treasury Department were authorized and directed to liquidate and settle the claim of the State of Maryland against the United States, for interest upon loans on moneys borrowed and actually expended by her for the use and benefit of the United States, during the late war with Great Britain, and the same rules for computing the interest was provided by the act as in the case of the State of Virginia.

By an act approved May 20, 1826, entitled " An act authorizing the payment of interest due to the State of Delaware, the accounting officers of the Treasury Department were authorized and directed to take similar action in regard to the settlement of the claim of the State of Delaware against the United States as that directed to be taken in the case of the claim of Maryland, and to be governed by the same rules.

By act approved May 20, 1826, the proper accounting officers of the Treasury Department were directed to settle the claim of the city of Baltimore against the United States, for interest on money borrowed and actually expended by the city in its defense during the war of 1812; and the act further provided that the amount due should be ascertained under rules which were the same as those provided by the foregoing act for the adjustment of the accounts in the cases of Virginia, Maryland, and Delaware.

By an act approved May 22, 1826, entitled "An act authorizing the payment of interest due to the State of New York," the accounting officers of the Treasury Department were authorized and directed to take similar action and to be governed by the same rules as in the cases of Virginia, Maryland, and Delaware.

By an act approved March 3, 1827, the accounting officers of the Treasury Department were authorized and directed to settle the claim

of the State of Pennsylvania in the same manner as in the cases of Maryland, Delaware, and New York.

By an act approved March 22, 1832, entitled "An act for the adjustment and settlement of the claims of the State of South Carolina against the United States, the accounting officers of the Treasury were authorized and directed to liquidate and settle the claim of the State of South Carolina against the United States for interest upon money actually expended by her for military stores for the use and benefit of the United States, and on account of her militia, whilst in the service of the United States, during the late war with Great Britain, the money so expended having been drawn by the State from a fund upon which she was then receiving interest. The act designates upon what sums interest shall be paid, and recites in detail other claims of the State theretofore disallowed, which shall be adjusted and settled, such as claims for cannon-balls, transportation of troops and supplies, pay to certain staff officers, blankets ($7,500 being the amount of this item), and muskets.

By an act approved March 3, 1857, a re-examination and readjustment of the account of the State of Maryland was directed to be made, and it was provided that in the calculation of interest the following rules should be observed:

Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied, and, if it exceeds the interest due the balance shall be applied to diminish the principal; if the payment fall short of the interest, the balance of interest shall not be added to the principal so as to produce interest. Second, interest shall be allowed on such sums only on which the State either paid interest or lost interest by the transfer of an interest-bearing fund.

Under this act Maryland received the additional sum of $275,770.23.

On the 8th day of July, 1870, an act was passed directing the account between the United States and Massachusetts and Maine to be reopened and readjusted, and Massachusetts received the sum of $678,362.42, of which one-third was allotted to the State of Maine as an integral part of Massachusetts when the advances were made.

The ninth section of an act approved June 12, 1858, entitled "An act making appropriations for civil service" (11 Stat. at Large, p. 326), is as follows:

And be it further enacted, That the Secretary of the Treasury be instructed to report to Congress at its next regular session, all applications, made by State authority of the States and cities for the reopening and re-examination of the settlements heretofore made with such States and cities and upon the principle of readjustment upon which such claims are based, and the amount thereof; and the Secretary of the Treasury is further instructed to report to Congress, at its next regular session, the gross amount that will be required to pay such claims to the States and cities of the United States.

The Secretary of the Treasury made his report at the next session of Congress, showing an aggregate, computing interest down to the date of his report, January 8, 1859, of $1,588,521.69, as follows:

South Carolina	$202,230 90
Virginia	1,076,683 35
Delaware	18,540 97
New York	48,896 21
Pennsylvania	218,507 71
City of Baltimore	23,662 55
Total	1,588,521 69

(See H. Ex. Doc. No. 35, second session, Thirty-fifth Congress, vol. 5.)

At the first session of the present Congress a bill was introduced in the House of Representatives (H. R. 5431) to apply to the above States

the same rule of computing interest which was applied to the case of Maryland, Massachusetts, and Maine. The bill was reported favorably by Mr. Broadhead May 29, 1884, from the Committee on the Judiciary.

REFERENCE TO ACTS AUTHORIZING PAYMENT OF CLAIMS OF STATES FOR EXPENSES ON ACCOUNT OF THE WAR WITH MEXICO.

By a joint resolution approved March 3, 1847 (Stats. at Large, vol. 9, p. —), the Secretary of War was authorized and required to cause to be refunded to the several States or to individuals for services rendered, acting under the authority of any State, the amount of expenses incurred by them in organizing, subsisting, and transporting volunteers previous to their being mustered and received into the service of the United States for the war with Mexico, and for subsisting troops in the service of the United States.

By an act approved June 2, 1848, the provisions of said joint resolution were extended so as to embrace all cases of expenses theretofore incurred in organizing, subsisting, and transporting volunteers previous to their being mustered and received into the United States for the war with Mexico, whether by States, counties, corporations, or individuals, either acting with or without the authority of any State, and that in refunding moneys under said act and said joint resolution it should be lawful to pay interest at the rate of 6 per cent. per annum on all sums advanced by States, corporations, or individuals in all cases where the State, corporation, or individual paid or lost the interest or was liable to pay it.

By act approved February 27, 1851 (deficiency appropriation bill), there was appropriated $36,934.34 for the pay and expenses of three companies of Texan volunteers called into the service by requisition of Brevet Major-General Brooke, and it was provided that such pay and allowance should conform to the pay and allowance of similar troops employed during the war with Mexico; and for reimbursing the State of Florida under such rules and regulations as had theretofore governed similar claims of the several States against the United States for moneys advanced and paid for expenses incurred and obligations contracted by said States for subsistence, supplies, and services of local troops called into service during 1849 by and under the authorities of said State $75,000 was appropriated; and for pay and expenses of four companies of volunteers called into the service of the United States by Brevet Lieutenant-Colonel Washington, of New Mexico, in the year 1849, $135,530 was appropriated.

By an act approved August 3, 1852, making appropriations for the support of the Army for the year ending June 30, 1853, appropriations were made to refund to the State of North Carolina the amount of money advanced and transportation furnished to volunteers from that State during the war with Mexico; and for refunding to the State of Michigan the amount advanced by that State in organizing, subsisting, and transporting volunteers previous to their being mustered into the service of the United States during the war with Mexico.

By the same act the Secretary of War was directed to allow and pay to the State of Virginia all such sums as had been advanced by that State to officers and men of her regiment engaged to serve for and during the war then existing between the United States and Mexico for pay for their services from the day of their enrollment until they were mustered into the service of the United States.

By said act also the proper accounting officers of the Treasury were

authorized to settle the claims of Florida for the service of her troops under the act of February 27, 1851, by the provisions stated in said act for the settlement of the claim of Virginia for like service.

By an act approved June 29, 1854, entitled "An act to reimburse the common council of New York City for expenditures made for the First Regiment of New York Volunteers," the Secretary of War was authorized and required in the settlement and adjustment (under act of Congress June 2, 1848) of the claims of the common council of New York for expenditures made in organizing, transporting, clothing, and subsisting the First Regiment of New York Volunteers, commanded by Col Ward B. Burnett, prior to the mustering of the said regiment into the service of the United States, to allow such of those claims as might be supported by satisfactory vouchers showing that such expenditures had been fairly made and were necessary and proper for the service, notwithstanding such vouchers might be informal and defective for want of particularity, provided that the amount allowed should not exceed $3,672.90.

By an act approved February 9, 1859, the accounts of Maine for expenses incurred by that State in organizing a regiment of volunteers for the Mexican war in 1846 were required to be audited and settled by the officers of the Treasury, pursuant to act June 2, 1848.

REFERENCE TO ACT AUTHORIZING REIMBURSEMENT OF STATES FOR EXPENSES ON ACCOUNT OF THE WAR OF THE REBELLION.

By act of Congress approved July 27, 1861, it was provided that the Secretary of the Treasury was directed to pay, out of any moneys in the Treasury not otherwise appropriated, to the governor of any State, or his duly authorized agents, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aiding to suppress the rebellion.

By act approved April 12, 1866, entitled an "Act to reimburse the State of Pennsylvania for moneys advanced Government for war purposes," $800,000 was appropriated to supply a deficiency in paying the Army under the act of March 14, 1864, and to reimburse the State of Pennsylvania for money expended for payment of militia in the service of the United States.

The act approved June 20, 1878, "making appropriations for sundry civil expenses of the Government, for the year ending June 30, 1879, and for other purposes," contains the following clause:

> Refunding to States expenses incurred in raising volunteers: To indemnify the States for expenses incurred by them in enrolling, equipping, and transporting troops for the defense of the United States during the late insurrection, to wit: For the State of New York, $82,736.78; for the State of Pennsylvania, $29,527.23; in all, $112,264.01.

By act approved April 17, 1866, the President was authorized, by and with the advice and consent of the Senate, to appoint three commissioners to ascertain the amount of moneys expended by the State of Missouri in enrolling, equipping, subsisting, and paying such State forces as had been called into the service in said State since 24th of August, 1861, to act in concert with the United States forces in suppressing the rebellion. Said commissioners were required to proceed, subject to regulations to be prescribed by the Secretary of War, at once to examine all items of expense made by said State for the purpose, subject to certain conditions and limitations mentioned, but no allowance was au-

thorized to be made for any troops which did not perform actual military service in full concert and co-operation with the authorities of the United States, and subject to their orders.

By act approved June 8, 1872, the Secretary of the Treasury was directed to cause to be examined, settled, and paid, any proper claims of the State of Kentucky for money expended in enrolling, equipping, subsisting, and paying State forces of Kentucky, called into service in said State after August 24, 1861, to act in concert with the United States forces in suppressing the rebellion, settlement to be made upon the principles and conditions and under the limitations provided in the act of Congress approved April 17, 1866, to reimburse the State of Missouri for moneys expended for like purposes.

By act of June 16, 1880, payment of bounty to enlisted men of the Fifteenth and Sixteenth Missouri Cavalry was authorized.

Under these acts large sums have been paid to the several States and Territories, a statement of which will be found in a letter from the Third Auditor of the Treasury, subjoined hereto.

It will be seen from the foregoing that claims of the States for expenses of almost every description, paid by them on account of volunteers and militia called out by the State authorities to repel invasion, to protect their borders from threatened invasion, and to suppress Indian hostilities, and on account of troops furnished upon the call of the President for the military service of the United States, in time of war, have been paid by the General Government. The history of the legislation by Congress for the payment of claims of States for expenses on account of the war of 1812, your committee believe, will show that no claim of this character has been finally rejected. If reported against by a committee of one Congress and rejected by that Congress, the attempt to secure payment was renewed at another Congress, and persisted in until payment was obtained. When payment of the principal of such claims, without interest, had been secured, it was followed by a claim for interest, and when interest was allowed to one State, to be computed in accordance with certain rules, all the States having similar claims made haste to obtain an adjustment of their claims for interest upon the same basis. After the claims of all the States for principal and interest had been adjusted and settled upon the same basis, Maryland presented a claim for the readjustment of interest upon her claim, to be computed by a different and more favorable rule to her than that upon which the previous adjustment had been made. And that State and Alabama and Massachusetts succeeded in obtaining a readjustment of their accounts, and received large additional sums for interest. The balance of the States having similar claims, namely, South Carolina, Virginia, Delaware, New York, Pennsylvania, and the city of Baltimore are still pressing their claims before Congress for readjustment of interest upon the same basis.

There are many and grave objections to the payment of claims against the Government which are presented after so long a period from the time when they arose as has elapsed in the present case; and if your committee had reason to suppose from the history of legislation by Congress in the past that the precedent which they might set by reporting adversely on this claim on the ground of delay in the presentation of it for payment would be followed by Congress in this claim and others of a similar character in the future, they would be disposed to make such a report, notwithstanding the long line of precedents which exist for the payment of such claims without limitation as to the time within which they have been presented for payment.

Experience has shown the necessity for statutes of limitation to b the prosecution of actions in courts of justice. The time after which a action is barred by such statutes varies in different countries, and wi the character of the action in the same country, but in all countries ha ing a judicial system we believe statutes of limitation have been enacte The common law raises the presumption of payment of claims after given time. There are many and cogent reasons which might be giv to show that there is greater necessity for applying a limitation favor of the Government in most cases than in controversies betwe individual citizens.

Claims against the Government of the character of this claim, invol ing so many items, arising amidst the stirring scenes and activities war, usually established by *ex parte* affidavits, should unquestionab be presented for payment promptly while the means of showing th fraudulent character, if fraudulent, are within the reach of the Go ernment.

War claims have in the past been the subject of much fraud, ev when audited while they were fresh and the witnesses to the transactio out of which they arose were living. As an example of such frauds yo committee cite the case of certain claims closely connected with t one under consideration, presented for payment under the provisions an act of Congress approved April 9, 1816, entitled "An act to autho ize the payment for property lost, captured, or destroyed by the ene while in the military service of the United States, and for other pu poses." By that act provision was made for the payment to any volu teer or drafted militiaman, whether of cavalry, mounted riflemen, infantry, who, in the war of 1812, sustained damage by the loss of a horse in battle, or for want of sufficient forage, and for the payme for the loss of any horse in consequence of the owner having been di mounted or separated from the same by order of the commandin officer, or in consequence of the rider having been killed or wounded battle; and by the fourth section of said act it was provided, amo other things, that any person who, in the war of 1812, had acted in t military service of the United States as a volunteer or drafted militi man, and who furnished himself with arms and military accouterment and had sustained damage by the capture or destruction of the sam without fault or negligence on his part, should be allowed and paid t value thereof. A commission was appointed to audit such claims.

On the 11th of March, 1818, a report was made to the House of Re resentatives by a committee thereof concerning claims presented und this act, in which it is said that the documents from the commissio ers of claims "develop the fact that on the frontiers of New York *system* of *fraud, forgery, and perjury* has been in operation which t committee believes has never been witnessed in this country. It m well be questioned whether in a national point of view it would n have been better that the law of April, 1816, had never been passed. is the duty of a good government to attend to the morals of the peop as an affair of primary concern."

If at that early day *fraud, forgery, and perjury*, in the presentation war claims under the act of 1816, was so extensive as to be called "system," what reliance can be placed upon the allowance of simil claims more than 40 years afterwards by the New York State commi sioners under the acts of 1857 and 1859, supported only by the *ex par* affidavit of the claimant?

It appears reasonable also that each generation at least should

called upon to pay claims of the character of this claim properly chargeable to it.

This claim is presented for payment, with accumulated interest, to the third generation, which has come upon the stage of action since it arose. It does not appear to have been presented before in any manner to the General Government.

There is a recital in the communication of the adjutant-general of the State of New York to the legislative assembly of that State hereinbefore set forth that a resolution requesting an appropriation for the payment of this claim was presented to Congress in the year 1863, referred to a committee, and reported favorably; but your committee has been unable to find any trace of such a resolution or report.

If the United States should assume any portion of this claim, the question arises whether the allowances of the claims of volunteers and militia by the State commissioners should be adopted as the basis of settlement with the State.

Your committee think it should not, for the reason that they were made so long after the claims against the State are alleged to have accrued, upon unsupported *ex parte* affidavits of the claimants under the provisions of an act which, by its terms, only provided for the payment by the State of the amounts awarded by the commissioners when the United States should appropriate the funds necessary for that purpose.

No officer or tribunal authorized to examine and audit claims against the Government under any existing law of the United States would, we apprehend, be authorized to allow claims on testimony such as that upon which the claims mentioned were allowed by the State board.

Again, if the United States ought not to adopt the allowance of said claims by the State commissioners, the question is presented as to how the claim under consideration can be audited in any satisfactory manner after the lapse of so many years, and when the witnesses having knowledge concerning it are dead. It is evident that it can only be audited upon the *ex parte* and insufficient evidence upon which the claims were allowed by the State commissioners and such other evidence as may be obtained from the records of the War and Treasury Departments, and that any adjustment of the claim upon such evidence must necessarily be unsatisfactory.

But notwithstanding the objections which exist to the assumption and payment by the United States of a claim so stale as this one is, your committee are of the opinion that to reject it absolutely would be to apply a different rule to this case from that which has been uniformly applied in the consideration of similar claims presented by other States, and that the maxim "equality is equity" should control the action of the committee in the present case.

No rule for the adjustment of such claims appears to have been established, and no limitation as to the time when they must be presented to Congress for payment appears to have been applied to them. In view of the precedents running through the entire period since the close of the war of 1812, your committee believe that as to that portion of this claim which is for reimbursement of the State for what is called in the bill advances to the soldiers of the war of 1812, so far as such advances were of the character of those which have heretofore been refunded by the United States to the States, they should be paid. Your committee, however, are decidedly of the opinion that it would have been far better for all parties concerned if provision had been made at the close of the war of 1812 for payment of all such claims under a general law, and a limitation as to the time of their presentation had been fixed

and payment for expenses not provided for under such general law and relief from such limitation had been steadily refused by Congress.

As to the claim for an appropriation to enable the State to pay outstanding certificates issued by the State commissioners, it may be dismissed from consideration with the statement that Congress has not adopted the policy of making advances to States to enable them to discharge their obligations to their citizens, and your committee do not think it wise to establish such a precedent. If the State shall hereafter pay the outstanding certificates and present a claim to Congress for reimbursement, it will be time enough then to consider the question as to whether the State should be reimbursed for such payment. Lest a favorable report authorizing settlement of the amount already expended by the State should hereafter be claimed to be an invitation to the State to pay outstanding certificates and to present a claim to Congress for reimbursement therefor, your committee call attention to the difference between the present claim of the State and any claim which may be hereafter presented on account of any future payment. The payments heretofore made by the State on account of the certificates issued by the State commissioners appear to have been made to the surviving soldiers of the war of 1812, to whom such certificates were issued, and who were citizens of the State at the time of payment, or to their widows and their legal representatives. This was a deserving class, and if the claims for which the certificates were issued were honest, the State, by their payment, made partial reparation for the injustice which had been done to the holders by the long delay in the payment of their claims. The case is different in regard to payment to the present holders of such certificates. It is not probable that any considerable number of the original holders of these certificates, or of their widows, survive at this time. The certificates must have been for a long time considered of little value. Some may be held by the heirs of the parties to whom they were issued, but the bulk of them has no doubt passed into the hands of speculators, who have paid little or no consideration for them. Whatever obligation may now rest upon the State to pay these certificates, it is certain that their payment at this late day will not discharge her confessed obligation to her citizens, who at her call marched to the defense of her frontiers.

After all the information in regard to this claim which your committee have been able to obtain within the time at their disposal, they are not prepared to report in favor of the payment of the claim without further investigation. The claim is for payments made to the State volunteers and militia for "clothing," "accouterments," "cost of transportation," and "additional pay." Before the claim is paid by the United States it ought to be ascertained with reasonable certainty that compensation has not already been made for clothing and for use of accouterment to the New York volunteers and militia under the laws of the United States providing for commutation of clothing and accouterment; that payment has not been made by the United States for loss of horses, arms, and accouterment of such troops under the provisions of said act of April 9, 1816; and that payment for transportation has not been made to such troops under the acts of April 18, 1814, and April 12, 1818, hereinbefore referred to. Additional pay is but another name for bounty. The United States has not provided for the payment of claims of the States, counties, and other municipal corporations for bounty paid volunteers during the late war, and before the payment of that portion of this claim which is for additional pay is authorized it should be ascertained that claims for such expenses of other States have been paid by

nited States. And in view of the fact that the State of New York, e act of April 21, 1818, and April 9, 1819, "required" the commis- general of the State "to audit and settle the accounts properly eable to the State for the services and contingent expenses of the eers and militia of said State called out for its defense during the ar," and authorized the treasurer to pay the warrants of the roller for claims reported by the commissary-general under said nd of the absence of satisfactory showing as to the reason why ims afterwards audited by said State under the act of 1859 were dited under said first-mentioned laws, and of the extraordinary gate amount of these claims as audited under the act of 1859, it also appear affirmatively that no portion of the expenses on ac- of the payment of which the present claim is presented were d under said acts of 1818 and 1819, and included in any claim of tate subsequently paid by the United States.

r committee therefore report as a substitute for the bill under con- tion and recommend the passage of the accompanying bill, of the following is a copy:

to authorize the proper accounting officers of the Treasury to settle and pay the claim of te of New York for expenses on account of volunteers and militia in said State called into vice of the United States during the war of 1812.

nacted by the Senate and House of Representatives of the United States of America ress assembled, That the proper accounting officers of the Treasury are hereby zed and directed to examine and settle the claim of the State of New York for paid by said State upon certificates issued in pursuance of an act of the legis- assembly of the State of New York entitled "An act to provide for the appoint- commissioners for the adjustment and payment of certain claims for the serv- the militia of this State in the year 1812," passed April 15, 1857; and an act egislative assembly of said State amendatory of said act, passed April 8, 1859, olunteers and militia of said State who served in the armies of the United during the war of 1812, and to allow to the said State so much of the amounts without interest, as shall be found to have been justly due to said volunteers litia from the said State prior to the issuance of said certificates on account of g, equipment, transportation, and additional pay, and not to have been here- aid by the United States; and the Secretary of the Treasury is hereby author- pay the balances so found due to said State out of any money in the Treasury erwise appropriated: *Provided,* That no allowance shall be made to said State ments on account of additional pay or other expenses, unless such payments found to be of the like character of payments by States on account of ex- f the war of 1812 which have been heretofore allowed and paid by the United

committee subjoin and make part of this report the following:

Memorial adopted by the senate of the State of New York June 1, 1882.

A letter from Hon. R. C. McCormack, Acting Secretary of the Treasury De- t, dated July 16, 1877, in reply to a letter from Hon. Franklin Townsend, ad- general of the State of New York, dated July 7, 1877.

Letter from J. G. Farnsworth, adjutant-general of the State of New York, ecember 30, 1884, in reply to a letter from F. M. Eastman, esq., clerk of the Committee on Claims, dated December 24, 1884.

Letter, dated January 10, 1885, from the subcommittee of the Senate Commit- laims, J. N. Dolph, to Hon. E. W. Keightley, Third Auditor of the Treasury.

Letter, dated January 10, 1885, from J. N. Dolph to J. G. Farnsworth, adjutant- of the State of New York.

Letter of J. G. Farnsworth, adjutant-general of the State of New York, dated 14, 1885, in reply to letter of J. N. Dolph, dated January 10, 1885, and ac- ying report.

Letter from J. N. Dolph to Hon. E. W. Keightley, Third Auditor of the Treas- ed February 2, 1885.

Letter of Hon. E. W. Keightley, Third Auditor of the Treasury, dated Febru- 885, in reply to J. N. Dolph's letter of January 10, 1885.

and payment for expenses not provided for under such general law: relief from such limitation had been steadily refused by Congress.

As to the claim for an appropriation to enable the State to pay standing certificates issued by the State commissioners, it may be missed from consideration with the statement that Congress has adopted the policy of making advances to States to enable then discharge their obligations to their citizens, and your committee do think it wise to establish such a precedent. If the State shall h after pay the outstanding certificates and present a claim to Cong for reimbursement, it will be time enough then to consider the q tion as to whether the State should be reimbursed for such paym Lest a favorable report authorizing settlement of the amount alre expended by the State should hereafter be claimed to be an inv tion to the State to pay outstanding certificates and to present a cl to Congress for reimbursement therefor, your committee call atten to the difference between the present claim of the State and any cl which may be hereafter presented on account of any future paym The payments heretofore made by the State on account of the cer cates issued by the State commissioners appear to have been mad the surviving soldiers of the war of 1812, to whom such certific were issued, and who were citizens of the State at the time of paym or to their widows and their legal representatives. This was a des ing class, and if the claims for which the certificates were issued w honest, the State, by their payment, made partial reparation for the justice which had been done to the holders by the long delay in the p ment of their claims. The case is different in regard to payment the present holders of such certificates. It is not probable that any c siderable number of the original holders of these certificates, or of t widows, survive at this time. The certificates must have been for a l time considered of little value. Some may be held by the heirs of parties to whom they were issued, but the bulk of them has no do passed into the hands of speculators, who have paid little or no c sideration for them. Whatever obligation may now rest upon the St to pay these certificates, it is certain that their payment at this l day will not discharge her confessed obligation to her citizens, wh her call marched to the defense of her frontiers.

After all the information in regard to this claim which your commit have been able to obtain within the time at their disposal, they are prepared to report in favor of the payment of the claim without furt investigation. The claim is for payments made to the State volunte and militia for "clothing," "accouterments," "cost of transportation," "additional pay." Before the claim is paid by the United States it ou to be ascertained with reasonable certainty that compensation has already been made for clothing and for use of accouterment to the N York volunteers and militia under the laws of the United States p viding for commutation of clothing and accouterment; that paym has not been made by the United States for loss of horses, arms, a accouterment of such troops under the provisions of said act of A 9, 1816; and that payment for transportation has not been made such troops under the acts of April 18, 1814, and April 12, 1818, h inbefore referred to. Additional pay is but another name for boun The United States has not provided for the payment of claims of States, counties, and other municipal corporations for bounty paid unteers during the late war, and before the payment of that portio this claim which is for additional pay is authorized it should be as tained that claims for such expenses of other States have been paid

the United States. And in view of the fact that the State of New York, by the act of April 21, 1818, and April 9, 1819, "required" the commissary-general of the State "to audit and settle the accounts properly chargeable to the State for the services and contingent expenses of the volunteers and militia of said State called out for its defense during the late war," and authorized the treasurer to pay the warrants of the comptroller for claims reported by the commissary-general under said acts, and of the absence of satisfactory showing as to the reason why the claims afterwards audited by said State under the act of 1859 were not audited under said first-mentioned laws, and of the extraordinary aggregate amount of these claims as audited under the act of 1859, it should also appear affirmatively that no portion of the expenses on account of the payment of which the present claim is presented were audited under said acts of 1818 and 1819, and included in any claim of said State subsequently paid by the United States.

Your committee therefore report as a substitute for the bill under consideration and recommend the passage of the accompanying bill, of which the following is a copy:

A BILL to authorize the proper accounting officers of the Treasury to settle and pay the claim of the State of New York for expenses on account of volunteers and militia in said State called into the service of the United States during the war of 1812.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury are hereby authorized and directed to examine and settle the claim of the State of New York for money paid by said State upon certificates issued in pursuance of an act of the legislative assembly of the State of New York entitled "An act to provide for the appointment of commissioners for the adjustment and payment of certain claims for the services of the militia of this State in the year 1812," passed April 15, 1857; and an act of the legislative assembly of said State amendatory of said act, passed April 8, 1859, to the volunteers and militia of said State who served in the armies of the United States during the war of 1812, and to allow to the said State so much of the amounts so paid, without interest, as shall be found to have been justly due to said volunteers and militia from the said State prior to the issuance of said certificates on account of clothing, equipment, transportation, and additional pay, and not to have been heretofore paid by the United States; and the Secretary of the Treasury is hereby authorized to pay the balances so found due to said State out of any money in the Treasury not otherwise appropriated: *Provided*, That no allowance shall be made to said State for payments on account of additional pay or other expenses, unless such payments shall be found to be of the like character of payments by States on account of expenses of the war of 1812 which have been heretofore allowed and paid by the United States.

The committee subjoin and make part of this report the following:

No. 1. Memorial adopted by the senate of the State of New York June 1, 1882.

No. 2. A letter from Hon. R. C. McCormack, Acting Secretary of the Treasury Department, dated July 16, 1877, in reply to a letter from Hon. Franklin Townsend, adjutant-general of the State of New York, dated July 7, 1877.

No. 3. Letter from J. G. Farnsworth, adjutant-general of the State of New York, dated December 30, 1884, in reply to a letter from F. M. Eastman, esq., clerk of the Senate Committee on Claims, dated December 24, 1884.

No. 4. Letter, dated January 10, 1885, from the subcommittee of the Senate Committee on Claims, J. N. Dolph, to Hon. E. W. Keightley, Third Auditor of the Treasury.

No. 5. Letter, dated January 10, 1885, from J. N. Dolph to J. G. Farnsworth, adjutant-general of the State of New York.

No. 6. Letter of J. G. Farnsworth, adjutant-general of the State of New York, dated January 14, 1885, in reply to letter of J. N. Dolph, dated January 10, 1885, and accompanying report.

No. 7. Letter from J. N. Dolph to Hon. E. W. Keightley, Third Auditor of the Treasury, dated February 2, 1885.

No. 8. Letter of Hon. E. W. Keightley, Third Auditor of the Treasury, dated February 24, 1885, in reply to J. N. Dolph's letter of January 10, 1885.

No. 1.

Mr. Jacobs, from the committee on finance of the senate, to whom was referred the petition of certain persons for the payment of certificates heretofore issued by this State for services in the war of 1812, respectfully report the following preamble and resolution:

Whereas on the 15th day of April, 1857, the legislature of the State of New York passed an act entitled "An act to provide for the appointment of commissioners for the adjudication and payment of certain claims for services of the militia of this State in the war of 1812;" and

Whereas by the provisions of that act the adjutant-general and the commissary-general of this State and John S Van Rensselaer were appointed a commission to take testimony, audit said claims, and give certificates to the persons entitled to the same, for the respective amounts found due, to be paid to the claimant or his representatives, with interest at 6 per cent. per annum, so that the State treasurer should receive the amount from the Government of the United States; and

Whereas on the 8th day of April, 1859, the above-mentioned act was amended, so as to provide that the adjutant-general and the commissary-general were authorized and required to revise all the proceedings of the former commission and to give new certificates where found necessary, after receiving proof as to the justice of the claims; and

Whereas the said State officials did re-examine such claims, took evidence as to their correctness, and made awards for the amount thus found to be due, and gave certificates thereof to the persons entitled to the same, and did make report of the proceedings; and

Whereas on the 1st day of May, 1869, the legislature of the State of New York made an appropriation of $50,000 (in anticipation of the receipts from the United States of any funds therefor) toward the payment of such certificates, and on the 29th day of April, 1870, made another appropriation of $100,000 for like purpose, also in anticipation of any funds received therefor from the United States; and on the 7th day of May, 1874, made a third and like appropriation of $100,000 for the same purpose, also in anticipation of any funds received therefor from the United States; and

Whereas the amount of said several appropriations, to wit, the sum of $250,000, have been paid by the State of New York upon said certificates, for and in behalf of the United States; and

Whereas many of such certificates remain unpaid in whole or in part: and

Whereas the services for which such certificates were given were rendered for the United States and in their defense; therefore

Resolved, That copies of this preamble and resolution be transmitted by the clerk of the senate to the Vice-President of the United States and the Speaker of the House of Representatives, to the end that the same may be presented to the two Houses of Congress. And the Senators and the Members of the House of Representatives from the State of New York be requested to use all honorable means to secure an appropriation by Congress to pay off the amount remaining unpaid on said certificates, and to reimburse the State of New York for its advances in the premises.

STATE OF NEW YORK IN SENATE,
June 1, 1882.

The foregoing preambles and resolution were duly passed and ordered transmitted
By order of the senate:

JOHN W. VROOMAN,
Clerk.

No. 2.

TREASURY DEPARTMENT,
July 16, 1877.

SIR: I have the honor to acknowledge the receipt of your communication of the 7th instant inclosing a concurrent resolution of the legislature of the State of New York as follows:

"Whereas, under chapter 176 of the laws of 1859, the accounts of the veteran militia of this State in the service of the United States, during the war of 1812, were adjudicated; and

"Whereas there are still remaining unpaid a large number of certificates representing said accounts which are justly due and payable to this patriotic band or their legal representatives; and

"Whereas it is claimed that the State is not legally bound to advance any more money to pay said certificates; therefore

"*Resolved*, That the adjutant-general of this State be respectfully requested to urge upon the General Government its moral and equitable obligation to place in the treasury of this State sufficient funds to pay said outstanding certificates, as well as the amount advanced by this State in payment of a part of said certificates and the amount disbursed by the State in adjudicating said accounts."

In reply I have to state that there is no law authorizing the adjudication of these claims, nor appropriation applicable to their payment.

It will be necessary for you to present the matter to Congress for the necessary legislation.

Very respectfully,

R. C. McCORMACK,
Acting Secretary.

Hon. FRANKLIN TOWNSEND,
Adjutant-General of the State of New York, Albany, N. Y.

No. 3.

GENERAL HEADQUARTERS, STATE OF NEW YORK,
ADJUTANT-GENERAL'S OFFICE,
Albany, December 30, 1884.

SIR: In reply to your communication of the 24th instant, inclosing Senate bill 470 "for the relief of the State of New York and to pay off certain certificates issued by that State to the soldiers of the war of 1812," and asking that information relating thereto be furnished the committee, I have the honor to inclose the following:

1. Communication from the Secretary of the Treasury in answer to letter of the adjutant-general of New York, enclosing concurrent resolution of the legislature urging upon the General Government its moral and equitable obligation to pay the certificates issued to New York soldiers for contingent expenses in the war of 1812, dated July 16, 1877.
2. Communication from the adjutant-general in response to a resolution of the assembly calling for information in relation to certificates issued to New York soldiers for contingent expenses in the war of 1812, dated February 29, 1884.
3. Letter of the Third Auditor of the Treasury in reply to communication from Hon. J. C. Burrows, M. C., inclosing one of the certificates referred to, dated January 17, 1880.
4. Form of declaration and affidavits upon which the certificates were issued.

It is proper to state that the soldiers to whom these certificates were given, both volunteers and drafted men, furnished not only all their own clothing, but also transportation from the place of enrollment to the rendezvous, and in most cases their own arms and accouterments, and for which neither the soldiers nor the State have been reimbursed.

Should any additional information be desired by the committee, which the records of this office afford, it will be promptly furnished.

I am, sir, very respectfully, your obedient servant,

J. G. FARNSWORTH,
Adjutant-General.

F. M. EASTMAN, Esq.,
Clerk of Committee on Claims, United States Senate, Washington, D. C.

No. 4.

SENATE CHAMBER,
Washington, January 10, 1885.

SIR: I have been appointed a subcommittee of the Senate Committee on Claims to investigate and report upon the bill a copy of which I inclose to you.

The claim is a very old one, and to report upon it intelligently will require much examination. To aid me in examining and reporting upon the claim, I would like information upon the following matters:

1. Whether or not the United States has ever authorized the payment of, or paid to, the militia of a State directly any claims of the character mentioned in the inclosed bill.
2. What amounts have been paid by the United States to each State under any general or special act of Congress upon claims of the States for enlisting, enrolling, subsisting, clothing, transporting, or paying or other expenses of troops serving in

the war of 1812, and growing out of said war, for principal and interest, with the dates and amounts of such payment and under what acts of Congress the same were paid.

3. What amounts have been paid by the United States to the several States and Territories on account of claims for expenses in enlisting, enrolling, subsisting, transporting, clothing, or paying troops, and other expenses of similar character, for the protection of such States and Territories from Indian hostilities, and in cases of insurrection and other like cases, with the amounts and dates of payment, character of the claims, and under what law paid.

4. What amounts have been paid to the States and Territories by the United States upon similar claims to the States and Territories on account of the war of the rebellion, the dates when paid, and under what law the same were paid.

My object is to get not only a complete statement of the account of the State of New York with the General Government growing out of the war of 1812, but also a statement (tabulated if possible) of all the precedents which exist for the payment to the States by the United States of such claims as is now made by the State of New York.

Yours truly,

J. N. DOLPH.

Hon. E. W. KEIGHTLEY,
Third Auditor Treasury Department.

No. 5.

WASHINGTON, D. C.,
January 10, 1885.

SIR: The claim of the State of New York for contingent expenses of the veteran militia of the war of 1812 has been referred to me as a subcommittee of the Senate Committee on Claims.

In your letter of the 30th ultimo to the clerk of the committee, you say: "Should any additional information be desired by the committee which the records of this office afford it will be promptly furnished."

I would like information upon the following subjects, and perhaps, although the records of your office do not afford the same, you may still be able to furnish me the necessary information or refer me to sources from which I can obtain the same:

1. I wish to know whether the claims which, under the provision of chapter 597 of the laws of 1857, and of chapter 176 of the laws of 1859, were authorized to be audited are the same claims which the commissary-general of your State was authorized and required to audit and settle by the law of 1818, and which the State comptroller was authorized to review, audit, and settle by the law of 1819.

2. If so, I would like to be informed why such claims were not audited and settled under the provisions of said act.

3. In order to determine whether the contingent expenses of the militia mentioned were incurred under such circumstances as to be a just claim against the Government it will be necessary to have a history of the circumstances showing the necessity for calling for volunteers, when and by what authority they were called out, what service they performed, and how they came to furnish their own arms, clothing, and transportation. Perhaps you can furnish me with information upon these points by referring me to some report of a committee, or officer of the State, some message of one of the governors of the State, or some public history of the transaction which I have not found.

4. I would like to have something to show more fully the general character of the claims audited under the provisions of the acts of 1857 and 1859. That is to say, what the claims were for. Perhaps you can send me a copy of a report of the auditing commission containing a list of the claims audited and a statement of the character of the same.

5. I would like any information you can give me as to the reason why these claims were not settled by the State, and how it came that the money appropriated by the legislature was paid upon 3,305 certificates only out of a total number of 17,228.

If you can do so without great inconvenience I would also like to be informed as to the amount of claims which have been paid by the General Government to the State of New York under the act of Congress of 1815 and subsequent acts on account of expenses of the State growing out of the war of 1812, and interest, with the date of payment and reference to the act under which paid.

My excuse for troubling you is that the claim has been referred to the Senate Committee on Claims without sufficient information concerning it.

The State ought to have presented the claim, accompanied by full information and proof upon every point necessary to show the amount and validity of the claim; but

I am not disposed to report it back, as I might do, to the committe adversely for want of proof.

Hoping you will be able to furnish me with the desired information at an early day, I am, respectfully yours,

J. N. DOLPH.

General J. G. FARNSWORTH,
Adjutant-General of the State of New York,
Albany, N. Y.

NO. 6.

GENERAL HEADQUARTERS, STATE OF NEW YORK,
ADJUTANT-GENERAL'S OFFICE,
Albany, January 14, 1885.

SIR: I have the honor to transmit herewith answers, as far as possible, to the inquiries made in your communication of the 10th instant, relating to the bill now before you (S. 470), "for the relief of the State of New York, and to pay off certain certificates issued by that State to the soldiers of the war of 1812."

1. The claims which were authorized to be audited under the provisions of chap. 597, laws of 1857, and chap. 176, laws of 1859, are the same which were directed to be audited and settled by chap. 270, laws of 1818, and chap. 117, laws of 1819. It will be seen by reference to the law of 1859 that the commissioners were "authorized and required to receive proof and determine the sums due for the contingent expenses of the militia, &c., incurred in the late war with Great Britain *and referred to in the acts of the legislature passed April* 21, 1818, *and April* 9, 1819."

2. The reason that these claims were not audited under the provisions of the laws of 1818 and 1819 does not appear. It is supposed that both the commissary-general and the comptroller failed to make a report, as none are found in any legislative proceedings of that time.

3. The necessity for calling forth the militia was the declaration of war with Great Britain, and the authority by which they were called out by the governor was the requisitions of the President of the United States, as follows:

April 15, 1812, call of the President for 100,000 men; quota of New York, 13,500.

June 26, 1812, the governor was requested to furnish General Dearborn such number of men as he might require.

August 21, 1812, the governor was directed to send to Plattsburg 1,000 men, and to Sackett's Harbor 1,000 men.

August 31, 1812, a further requisition was made by the President for four regiments of artillery and two regiments of infantry.

July 4, 1814, call of the President for 100,000 men; quota of New York, 13,500.

Prior to the first call the governor had ordered to the field 600 men to Sackett's Harbor, 400 to Oswego, and 600 to Niagara. This action of the governor was subsequently confirmed by the President, and these troops were considered as in the service of and paid by the United States. The reason that in some cases the men furnished their own arms or clothing was that neither the Government nor the State were able to do so.

4. The general character of the claims audited under the provisions of the acts of 1857 and 1859 will be seen by copies of the vouchers and affidavits on which the certificates were issued, and which are sent herewith. These will also show the places where and time for which they served. The report of the commissioners made to the legislature in 1861 is also furnished. The list of certificates issued giving the names of soldiers to whom they were granted, with the amounts allowed, is contained in a quarto volume of 576 pages. A copy of the first page accompanies this communication.

5. The reason that these claims were not paid by the State evidently is, that all the laws herein referred to were passed with the expectation that the payment thereof would be provided for by the United States; these laws all contain the provision that the certificates "shall be paid as soon as the money shall have been received by the treasurer of this State from the Government of the United States."

The sum appropriated by the legislature, $250,000, was in pursuance of section 2 be living in this State and who shall be named in and who shall hold such certifi- of chapter 470, laws of 1869, distributed first among the surviving soldiers "who shal cates." The whole amount appropriated, it will be seen by the statement already furnished, was insufficient to pay this first class.

The amount paid by the General Government to the State of New York on account of expenses of the State growing out of the war of 1812, with date of payment and

reference to the act of Congress under which it was paid, will be sent you in the course of a few days. General Stonehouse, of this Department, expects to be in Washington on Monday next, and will call on you.

I have the honor to remain, very respectfully, your obedient servant,

J. G. FARNSWORTH,
Adjutant-General.

Hon. JOSEPH N. DOLPH,
Senate Chamber, Washington, D. C.

IN ASSEMBLY, JANUARY 31, 1861.

Report of the commissioners appointed relative to the claim of the militia of this State for services in the war of 1812.

[Office for the revision of the claims of the militia of this State for services in the war of 1812.]

ALBANY, *January* 31, 1861.

The adjutant-general and the inspector-general, commissioners appointed by chapter 176 of the laws of 1859 to revise and adjudicate the claims of the militia of this State for services in the war of 1812, have the honor to submit the following report:

The amount appropriated by the act creating this commission for clerk hire, &c., was	$1,000
By the act of 1860	2,600
	3,600

EXPENDITURES.

To Weed, Parsons & Co. for printing circulars, &c	$151	
To John E. Guira for engraving and printing certificate	250	
To Luther Caldwell, chief clerk, for seven and a half months' service	750	
To M. L. Schemerhorn for one year's salary to May 15, 1860	1,200	
To Wilson Milor, salary eight and a half months	849	
To Harry Follett, four months' salary	400	
		3,600

On the 1st day of February there will be d. e to Weed, Parsons & Co. for printing index of awards, binding, &c	1,565
To M. L. Schemerhorn, eight and a half months' salary	850
To George W. Herbert, two and a half months' salary	250
To Wilson Milor, eight and a half months' salary	850
	3,515

To meet which indebtedness there is no appropriation. There have been $17,228 claims revised and adjudicated, the aggregate of the awards made on which is $877,628, with interest at 6 per cent. from August 1, 1858.

The number of certificates distributed to claimants up to the present time is 6,000, leaving 11,228 yet to be distributed.

No awards have been made on claims received and filed since the 1st of April last. New claims are daily received and filed. No extension of time which the legislature might see fit to grant to the commission would, in our opinion, be ample enough to gather in all the outstanding claims. The longer continuance of this commission is of more than doubtful utility, and would involve additional expense; therefore the undersigned respectfully recommend the dissolving of the same and the repeal of the several acts relating to the subject.

J. MEREDITH READ, JR.,
Adjutant-General.
WM. A. JACKSON,
Inspector-General.

Hon. DE WITT C. LITTLEJOHN,
Speaker of the Assembly.

No. 7.

FEBRUARY 2, 1885.

DEAR SIR: Referring to our conversation of Saturday last, I desire to supplement my letter of the — ultimo so as to include a request for a statement of the aggregate amounts, if any, paid by the United States to the several States to reimburse them for expenditures on account of the Mexican war. The aggregate amounts paid the several States and Territories on account of expenditures in suppressing Indian hostilities, under each act of Congress, will be sufficient for my purpose without an itemized account.

I inclose you herewith a copy of the proof of the claim of Europe Gates, filed with the board of commissioners created by the acts of the legislative assembly of the State of New York of 1857 and 1859.

It will be observed that it is stated that the claimant "volunteered or was drafted under the general orders of the governor," and that he states that he has not received any portion of the sum directed to be paid him under the acts of the legislative assembly of said State, passed April 21, 1818, and April 9, 1819.

It will also be observed that the account of this claimant is for *clothing, equipment, transportation*, and *additional pay*.

I find great difficulty in coming to a conclusion as to the validity of this claim.

By an act of Congress approved May 8, 1792, a general system was established for enrolling and organizing the militia in the States.

By an act of Congress approved June 2, 1875, it was provided that when the militia was called into the service of the United States, the allowance of bounty, clothing, and pay to the non-commissioned officers, musicians, and privates of the infantry, artillery, and cavalry of the militia should be at a rate specified in said act, and that whenever the militia should be called into the actual service of the United States their pay should be deemed to commence from the day of their appearing at the places of the battalion, regimental, or brigade rendezvous, allowing each non-commissioned officer, musician, and private a day's pay and rations for every 15 miles from his home to such place of rendezvous, and the same allowance for traveling home from the place of discharge.

By act of Congress approved February 28, 1795, the President of the United States was authorized, whenever the United States should be invaded or be in imminent danger of invasion from any foreign nation or Indian tribe, to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he might judge necessary, &c.

And, by an act of Congress approved February 2, 1813, it was provided that non-commissioned officers, musicians, and privates of volunteer and militia corps who, subsequently to the 31st day of December, 1812, had been, or might thereafter be, called out, while in the service of the United States, should, during the continuance of the war, &c., be entitled to receive monthly pay, rations, and forage, and to be furnished with the same camp equipage as were, or might be, provided by law for the non-commissioned officers and privates of the Army of the United States.

The act of Congress declaring war with Great Britain was passed June 18, 1812. Calls for troops were made by the President as follows:

April 15, 1812, 100,000 men. Quota of New York, 13,500 men.

June 26, 1812, the governor of New York was requested by the President to furnish General Dearborn such number of men as he might require.

August 21, 1812, the governor was directed to send to Plattsburg a thousand men, and to Sackett's Harbor a thousand men.

August 12, 1812, a further requisition was made by the President for four regiments of artillery and two regiments of infantry.

July 14, 1814, the President called for 100,000 men. Quota of New York, 13,500.

By an act of Congress approved April 18, 1814, and by another act approved April 12, 1818, it was provided that the expenses incurred, or to be incurred by marching the militia of any State or Territory of the United States to their place of rendezvous, in pursuance of the requisition of the President of the United States, or which should have been or might be incurred in cases of calls made by authority of any State or Territory which had been or might be approved by him, should be adjusted and paid in like manner as the expenses incurred after the arrival at such places of rendezvous on the requisition of the President of the United States, &c.

There may be some other acts of Congress under the authority of which troops were called for by the President and furnished by the governor of the State which I have overlooked. There probably is some other act under which volunteers were called for by the President. I suppose the militia was called out by the President under the law of 1795. If so, I cannot understand why it was not the duty of the United States to furnish clothing and equipment for the militia, and to pay them from the time they were called into the service of the United States, and if the militiamen furnished their own clothing, why compensation was not made to them under existing laws.

It appears that the transportation to the place of rendezvous and from the place of discharge was provided for in the acts of April 18, 1814, and April 12, 1818.

"Additional pay" is but another name for bounty, and I am unable to find under what law the same is claimed. Claims of States for bounties paid to troops during the war of the rebellion, as I understand, are not paid by the United States under the act of 1861.

I have cited the above-mentioned acts of Congress, with the foregoing suggestions, to assist you in ascertaining whether or not the claim now made by the State of New York has not been at least in part allowed and paid by the United States in the payment of commutation for clothing and equipment and the payment for transportation from the place of enlistment to the place of rendezvous and from the place of discharge to the place of enlistment, under the acts of 1814 and 1818, and I shall be glad to receive such information as can be obtained from the records of the Department, and any suggestions which may occur to you which will enable me to come to a correct conclusion as to the justice of the claim now made by the State against the General Government.

Truly yours,

J. N. DOLPH.

Hon. E. W. KEIGHTLEY,
Third Auditor, Treasury Department.

No. 8.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., February 19, 1885.

SIR: In answer to your letter dated January 10, 1885, I have the honor to transmit the accompanying report of payments made by the United States to the States for expenses incurred by them in raising, supplying, and equipping their militia for United States service.

This report, as relates to the war of the rebellion, is complete—the payments made through the office of the Second Auditor are reported in Appendix A. The remaining portion of the report is incomplete, from the fact that payments have been made by the Second Auditor, of which this office has no official knowledge. Where such payments appear on the books of this office they have been noted.

The laws under which the payments were made are noted in the column above the amount paid.

In regard to the payments to Shepard Hoyt, of Capt. Levi Dunn's company, and Europe Gates, of Capt. John Howe's company, New York militia, it appears from the rolls of said companies that they were paid pay proper, but not for clothing allowance, or for use of arms.

Clothing allowance was paid to New York volunteers under act of February 6, 1812.

I have been unable to find the law relating to additional pay or gratuitous pay of $15 referred to in the vouchers of said Hoyt and Gates. The pay of troops in 1812 appears to have been at the rate of $5 per month, and the claim would seem to have been three month's pay additional.

Claims of individual members of State militia should be paid by the States and then presented to Congress for reimbursement, unless provided for by act of July 27, 1861.

Claims for interest have only been allowed to States under special acts of Congress.

The vouchers of Shepard Hoyt and Europe Gates are herewith returned.

I am very respectfully,

A. M. GANGEWER,
Acting Auditor.

Hon. J. N. DOLPH,
United States Senate, Washington, D. C.

Payments made to the States and Territories for expenditures made by them in the suppression of Indian hostilities, as shown by the books of the Third Auditor of the Treasury.

Year of payment.	For what paid.	Paid through Third Auditor's Office.	Amount paid by Second Auditor, as per books of this office.	Total.
1850	Payment to the State of Arkansas for expenses in resisting incursions of the Cherokee Indians. (Act March 3, 1857)	$1,212 00	.....	$1,212 00
1850 1852	Claims of the State of New Hampshire for services of her militia from 1835 to 1837. (Act March 2, 1849)	.....	$5,487 56	5,487 56
1852	Payment of interest on expenditures of the State of New Hampshire in Indian war of 1835, 1836, and 1837. (Act January 27, 1852)	.....	4,390 86	4,390 86
1853	Refunding expenses incurred by the State of North Carolina in the Florida war in 1836, 1837, and 1838. (Act August 31, 1852)	9,382 48	.....	9,382 48
1854 1855 1857	Payment of claims of the State of South Carolina relating to Florida war of 1836. (Act August 31, 1852)	19,369 05	.....	19,369 05
1858 1859 1860 1861	Refunding to the State of California expenses incurred in suppressing Indian hostilities prior to January 1, 1854. (Acts of August 5, 1854, and August 18, 1856, sec. 8)	914,077 02	.....	914,077 02
1862 1872	Refunding to the State of California expenses incurred in suppressing Indian hostilities in 1854, 1855, 1856, 1857, 1858, and 1859. (Acts March 2, 1861, and July 25, 1868)	231,067 87	.....	231,067 87
1883 1884	Reimbursing State and citizens of California for expenses in suppressing Modoc Indian hostilities. (Act January 6, 1883)	4,142 82	.....	4,142 82
1883	Reimbursing State of Oregon for expenses in suppressing Modoc Indian hostilities. (Act January 6, 1883)	70,268 08	.....	70,268 08
1842 1845 1846 1851 1852 1853	Claim of the State of Maine for services of her militia in defense of the Northeastern frontier in 1839. (Act June 13, 1842)	78,343 96	120,557 57	198,901 53
1851 1852 1853 1854	Allowance of interest to the State of Maine on expenditures in defense of the Northeastern frontier in 1839, 1840, and 1841. (Acts March 3, 1851, and August 31, 1852)	33,822 12	40,336 83	74,158 95
1851 1852 1853	To reimburse the State of Florida for expenses incurred in 1849 and 1852. (Act February 27, 1851)	30,812 11	41,142 08	71,954 19
	NOTE.—The sum of $92,788.10 is reported in "receipts and expenditures" as paid to State of Florida in 1857, on account expenses incurred in 1849–'52 (act March 3, 1857), and is presumed to have been paid through the Second Auditor's Office.			
1858	Payment to the State of Iowa for advances to troops in 1857, 1858, and 1859. (Act June 21, 1860)	18,988 84	.....	18,988 84
1856 1857	Refunding to the Territory of Utah expenses incurred in suppressing Indian hostilities. (Act July 17, 1854)	7,222 65	12,468 00	19,690 65
1867 1871 1872 1882	Reimbursing Nebraska for expenses incurred in suppressing Indian hostilities in 1864. (Act July 27, 1866)	38,287 15	.....	38,287 15
1883 1865 1868 1869 1870	Payment of the State of Minnesota for expenses incurred in suppressing Indian hostilities in the year 1862. (Acts March 3, 1863, and July 2, 1864)	359,579 81	.....	359,579 81
1861 1862	Payment of the State of Minnesota for expenses incurred by Capt. James Starkey's Company of Minnesota Volunteers. (Act March 3, 1859)	1,247 37	.....	1,247 37
1846 1848 1852 1853	Claims of the State of Alabama for militia services in 1836 and 1837. (Act August 16, 1842)	71,112 29	40,101 84	111,214 13
1849 1854	Payment of interest on advances made by the State of Alabama. (Act January 26, 1849)	51,162 79	17,975 20	69,137 99
1847 1848	An act to authorize the payment of certain claims of the State of Alabama. (Approved August 10, 1846)	13,455 32	.....	13,455 32
1827 1832	Payment of Georgia claims for services of her militia in 1792–'93–'94. (Act March 2, 1827)	91,676 19	.....	91,676 19
1842 1850	Claims of the State of Georgia for services of her militia from 1835 to 1838. (Act August 11, 1842)	128,266 85	46,733 15	175,000 00

Payments made to the States and Territories for expenditures made by them, &c.—Contin'd

Year of payment.	For what paid.	Paid through Third Auditor's Office.	Amount paid by Second Auditor as per books of this office.	Total.
1853 1854 1855 1857	Payment to State of Georgia for services of her militia from 1835 to 1838 (section 8, act March 3, 1853)	$83, 947 54	$55, 960 92	$139, 908 46
1851 1852 1823	Allowance of interest to the State of Georgia (act March 3, 1851)	21, 857 55	13, 101 10	34, 958 65
1836	For amount advanced to the State of Georgia on account of expenses incurred in calling out her militia in 1836, as per Second Comptroller's letter, No. 1160, January 10, 1846	40, 725 36		40, 725 36
1879	Refunding to State of Georgia expenses of Indian wars from 1835 to 1838 (act March 3, 1879)	72, 296 94		72, 296 94
	NOTE.—Amount passed to the credit of the State of Kansas on Second Comptroller's letter, No. 4756, dated November 13, 1884, under act June 27, 1882, for expenses incurred in suppressing Indian hostilities; and the same has been reported to Congress for appropriation, $332,308.13.			

Payments to States by the United States for expenditures made by them on account of pay, supplies, and equipments of their militia, for the war of 1812, as shown by books of the Third Auditor of the Treasury.

VIRGINIA.

Warrants and requisitions after July 1, 1822.		Pay of the militia.	Subsistence, quartermaster's supplies, and contingencies.	Payment of balances due certain States (act March 3, 1817).	Payment of interest due the State (act March 3, 1825).	Total.
Date.	Number.					
October 4, 1814	War. 1504		$100, 000 00			$100, 000 00
July 28, 1815	War. 2612		15, 300 00			15, 300 00
March 23, 1816	War. 2571	$200, 000 00				200, 000 00
October 18, 1816	War. 359	350, 000 00				350, 000 00
January 27, 1816	War. 3694	400, 000 00				400, 000 00
April 21, 1817	War. 252			$250, 000 00		250, 000 00
November 14, 1817	War. 1263			200, 000 00		200, 000 00
June 26, 1818	War. 2237			150, 000 00		150, 000 00
May 4, 1819	War. 3892			48, 991 19		48, 991 19
March 7, 1820	War. 5286			40, 628 33		40, 628 33
May 11, 1821	War. 8047			30, 000 00		30, 000 00
April 26, 1822	War. 9031			5, 868 99		5, 868 99
January 17, 1823	Req. 643			6, 841 50		6, 841 50
April 19, 1825	Req. 3288				$50, 000 00	50, 000 00
July 11, 1825	Req. 3513				128, 480 11	128, 480 11
January 5, 1828	Req. 1080			7, 591 20		7, 591 20
July 14, 1829	Req. 2872			2, 216 85		2, 216 85
Total		950, 000 00	115, 300 00	742, 138 06	178, 480 11	1, 985, 918 17

NORTH CAROLINA.

Warrants and requisitions after July 1, 1822.		Pay of the militia.	Payment of balances due certain States (act March 3, 1817).	Claims of the State of North Carolina (act March 1, 1837).	Total.
Date.	Number.				
September 17, 1816	War. 286	$30, 000 00			$30, 000 00
November 20, 1817	War. 1284		$17, 000 00		17, 000 00
June 10, 1837	Req. 6948			$30, 000 00	30, 000 00
Total					77, 000 00

Payments made to the States and Territories for expenditures made by them, &c.—Cont'd.

MISSISSIPPI.

Warrants and requisitions after July 1, 1822.		Payment of balances due certain States (act March 3, 1817).	Total.
Date.	Number.		
March 6, 1819	War. 3590	$4,585 64	$4,585 64

SOUTH CAROLINA.

Warrants and requisitions after July 1, 1822.		Payment of balances due certain States (act March 3, 1817).	An act for the adjustment and settlement of the claims of South Carolina (approved March 22, 1822).	Total.
Date.	Number.			
October 24, 1821	War. 8552	$114,000 00		$114,000 00
October 31, 1821	War. 8580	15,000 00		15,000 00
June 13, 1822	War. 9450	26,000 00		26,000 00
June 16, 1822	Req. 1754		$3,000 00	3,000 00
July 19, 1822	Req. 1911		154,259 16	154,259 16
Total		155,000 00	157,259 16	312,259 16

VERMONT.

Warrants and requisitions after July 1, 1822.		Payment of balances due certain States (act March 3, 1817).	Total.
Date.	Number.		
March 30, 1820	War. 5388	$4,421 18	$4,421 18

RHODE ISLAND.

Warrants and requisitions after July 1, 1822.		Pay of the militia.	Subsistence, quartermaster's supplies, and contingencies.	Payment of balances due certain States (act March 3, 1817).	Total.
Date.	Number.				
April 27, 1816	War. 2796.	$18,500 00	$3,417 62		$21,917 62
May 15, 1820	War. 5796.			$15,000 00	15,000 00
June 19, 1821				1,890 62	1,890 62
June 30, 1821	War. 8209.			3,614 33	3,614 33
Total				20,504 95	42,422 57

Payments made to the States and Territories for expenditures made by them, &c.—Co

DELAWARE.

Warrants and requisitions, act July 1, 1822.		Balances due certain States (act March 3, 1817).	Interest due the State (act May 20, 1826).	Tot
Date.	Number.			
October 13, 1818	War. 2721	$25, 000 00	.....	$25,
December 7, 1822	Req. 529	9, 545 72	.....	9,
December 12, 1826	Req. 5017	.....	$6, 530 00	6,
Total	.....	34, 545 72	6, 530 00	41,

RECAPITULATION.

Virginia	$1, 985,
North Carolina	77,
Mississippi	4,
South Carolina	312,
Vermont	4,
Rhode Island	42,
Massachusetts	657,
Pennsylvania	343,
Connecticut	118,
New Hampshire	58,
New York	191,
Maryland	672,
Delaware	41,

MEXICAN WAR.

Payments to the States by the United States on account of money expended by them i prosecution of the war, as shown on the books of the Third Auditor.

[NOTE.—Payments were made on this account through Second Auditor, and are not in this rep

State and period of payments.	Appropriations.			Te
	Mexican hostilities.	Refunding expenses incurred for use of volunteers before being mustered into United States service (act June 2, 1848).	Army transportation, &c.	
Tennessee:				
1846 and 1847	$21, 598 21	.....	.....	$21,
1849 and 1850	.....	$1, 343 00	.....	1,
1848	.....	.....	$306 00	
Total	.....	.....	.....	23,
Louisiana:				
1846 and 1847	23, 551 72	.....	.....	23,
1848 to 1853	.....	8, 999 07	.....	8,
1847	.....	.....	*138 00	
Total	.....	.....	.....	32,
Mississippi:				
1848	.....	594 07	.....	
1848	.....	.....	†1, 105 19	1,
Total	.....	.....	.....	1,

* Transportation supplies, &c., Quartermaster's Department. † Subsistence.

Payments to the States by the United States on account of money expended, &c.—Continued.

State and period of payments.	Appropriations.			Total.
	Mexican hostilities.	Refunding expenses incurred for use of volunteers before being mustered into United States service (act June 2, 1848).	Army transportation, &c.	
Texas:				
1847			*$9,171 76	$9,171 76
Alabama:				
1846	$236 66			236 66
1848 to 1852		$9,714 78		9,714 78
Total				9,951 44
South Carolina:				
1846 to 1851		5,936 64		5,936 64
Virginia:				
1847	6,218 73			6,218 73
1850 to 1853		5,383 14		5,383 14
Total				11,601 87
North Carolina:				
1853		3,084 84		3,084 84
Pennsylvania:				
1853		1,569 39		1,569 39
Ohio:				
1846 to 1848	14,623 54			14,623 54
Illinois:				
1849		299 00		299 00
Indiana:				
1852 and 1853		8,287 46		8,287 46
Michigan:				
1852 and 1853		1,070 18		1,070 18
1852			†18,568 81	18,568 81
Total				19,638 99
Maine:				
1860			‡10,308 28	10,308 28

* For payment of four companies of Texas volunteers. (Act May 8, 1846.)
† To refund expenses incurred by State. (Act Aug. 31, 1852.)
‡ Claim of the State of Maine for advances. (Act Feb. 9, 1859.)

RECAPITULATION.

Tennessee	$23,247 21
Louisiana	32,688 79
Mississippi	1,699 26
Texas	9,171 76
Alabama	9,951 44
South Carolina	5,936 64
Virginia	11,601 87
North Carolina	3,084 84
Pennsylvania	1,569 39
Ohio	14,623 54
Illinois	299 00
Indiana	8,287 46
Michigan	19,638 99
Maine	10,308 28
Total	152,108 47

Statement of amounts and dates of payments made by the United States, to the States, for expenses incurred by them in suppressing the rebellion, as shown by the books of the Third Auditor of the Treasury.

[NOTE.—Act approved July 27, 1861, was general in application as relating to this class of claims furnishing to the accounting officers of the Treasury authority for their settlement.]

CONNECTICUT.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).
Date.	Number.	
March 18, 1862	6890	$606,000 00
December 31, 1863	3553	612,785 71
March 14, 1866	9178	171,495 79
April 16, 1866	9320	154,915 75
April 26, 1866	9382	102,189 05
February 1, 1867	1853	6,750 20
May 1, 1867	3123	21,903 14
March 11, 1870	3435	23,447 01
April 22, 1871	6500	19,135 12
May 2, 1871	6551	133,195 96
June 30, 1871	7155	154,273 84
July 23, 1872	344	10,824 69
December, 5, 1872	2022	16,594 21
April 24, 1873	3682	16,675 99
December 3, 1873	6796	850 87
May 15, 1876	8146	9,323 75
July 22, 1876	9709	9,898 57
June 27, 1876	6884	1,127 67
June 21, 1880	6520	8,513 06
March 15, 1881	237	1,793 88
August 9, 1882	6379	15,257 29
Total		2,096,950 46

MASSACHUSETTS.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Subsistence for three-years volunteers.	Total.
Date.	Number.			
September 11, 1861	4995	$775,000 00		$775,000 00
April 27, 1865	7374	309,088 95		309,088 95
March 5, 1866	9160	700,894 14		700,894 14
Do	9161	621,435 53		621,435 53
February 14, 1868	6091	370,509 67		370,509 67
April 7, 1868	6342	300,000 00		300,000 00
October 20, 1868	8414	205,999 14		205,999 14
February 3, 1869	9613	28,790 97		28,790 97
August 12, 1869	1717	55,604 96		55,604 96
March 24, 1870	3753	132,990 32		132,990 32
June 5, 1872	2721	79,375 41		79,375 41
March 13, 1883	411	11,754 12		11,754 12
July 11, 1884	5903	28,619 33		28,619 33
October 18, 1861	5368		$18,668 41	18,668 41
Do	5369		6,763 27	6,763 27
Do	5370		14,988 85	14,988 85
Total		3,620,062 54	40,420 53	3,660,483 07

Statement of amount and dates of payments made by the United States, &c.—Continued.

RHODE ISLAND.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Subsistence for three-years volunteers.	Total.
Date.	Number.			
October 18, 1861	5356	$231, 478 51	.....	$231, 478 51
January 5, 1867	1616	208, 687 54	.....	208, 687 54
Do	1617	99, 419 11	.....	99, 419 11
June 22, 1867	3778	119, 532 24	.....	119, 532 24
November 6, 1867	5826	35, 634 89	.....	35, 634 89
Do	5327	5, 385 00	.....	5, 385 00
December 19, 1867	5832	6, 996 72	.....	6, 996 72
January 17, 1868	6031	9, 277 32	.....	9, 277 32
January 26, 1869	9582	6, 012 53	.....	6, 012 53
March 3, 1864	4145	.....	$1, 206 29	1, 206 29
Total	.....	722, 323 86	.....	723, 530 15

MAINE.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).
Date.	Number.	
September 2, 1861	4911	$200, 000 00
January 14, 1862	6354	120, 000 00
March 2, 1867	2236	198, 462 12
March 2, 1867	2237	357, 702 10
November 22, 1867	5545	10, 682 23
September 5, 1868	7708	127, 473 34
October 16, 1868	8361	6, 728 96
June 27, 1871	7140	3, 938 93
March 13, 1883	410	2, 197 32
Total	.....	1, 027, 185 00

NEW HAMPSHIRE.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Subsistence for three-years volunteers.	Total.
Date.	Number.			
October 7, 1861	5211	$200, 000 00	.....	$200, 000 00
September 19, 1863	2365	224, 000 00	.....	224, 000 00
January 13, 1864	3654	47, 134 19	.....	47, 134 19
January 13, 1864	3653	185, 645 67	.....	185, 645 67
December 19, 1864	6518	200, 000 00	.....	200, 000 00
April 17, 1866	9324	44, 218 79	.....	44, 218 79
May 1, 1867	3129	7, 523 86	.....	7, 523 86
June 5, 1867	3370	8, 298 02	.....	8, 298 02
November 14, 1867	5433	2, 700 32	.....	2, 700 32
January 16, 1869	9534	20, 175 00	.....	20, 175 00
Do	9535	21, 983 21	.....	21, 983 21
June 10, 1869	1039	901 10	.....	906 10
December 13, 1869	2757	2, 326 06	.....	2, 326 06
January 13, 1870	3006	2, 961 28	.....	2, 961 28
June 6, 1873	4322	1, 363 44	.....	1, 363 44
December 11, 1873	6939	2, 639 58	.....	2, 639 58
October 18, 1861	5367	.....	$4, 206 40	4, 206 40
Total	.....	971, 875 52	4, 206 40	976, 081 92

Statement of amounts and dates of payments made by the United States, &c.—Contin

VERMONT.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Payment of the State of Vermont for expenses in protection against invasion from Canada in 1864 (act June 23, 1866).	Tot
Date.	Number.			
September 7, 1861	4972	$123, 000 00		$123,
May 5, 1862	7388	152, 000 00		152,
May 25, 1863	994	179, 407 80		179,
Do	995	152, 895 81		152,
September 4, 1867	4484	41, 173 90		41,
June 17, 1869	1136	49, 691 90		49,
August 4, 1869	1591	58, 364 41		58,
May 28, 1872	2649	56, 502 18		56,
September 10, 1877	4623	1, 252 13		1,
February 7, 1878	5258	835 75		
May 11, 1878	6152	970 21		
September 4, 1867	4484		$16, 463 81	16,
Total		816, 093 59	16, 463 81	832,

NEW YORK.

Requisitions.		Refun to Stat pense curre raising teers (July 17, Februa 1862, &
Date.	Number.	
December 17, 1861	6089	$1, 113,
September 26, 1865	3356	262,
June 14, 1867	3595	879,
September 23, 1870	5026	41,
Do	5027	
Do	5028	37,
May 25, 1871	6836	194,
June 27, 1871	7141	348,
December 10, 1872	2061	272,
December 30, 1872	2179	192,
March 17, 1873	3039	107,
December 30, 1875	7262	81,
November 13, 1876	1771	57,
Do	1772	24,
June 23, 1877	4475	41,
July 5, 1878	7274	82,
July 1, 1880	6761	61,
March 15, 1881	236	21,
August 9, 1882	6380	83,
July 11, 1884	5905	54,
Total		3, 957,

Statement of amounts and dates of payments made by the United States, &c.—Continued.

NEW JERSEY.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Expenses incurred in raising 100 days volunteers (act May 6, 1864).	Expenses incurred by the State of New Jersey in the erection of barracks, &c., for nine months men in 1862. Paid out of appropriation for barracks and quarters.	Total.
Date.	Number.				
August 31, 1861	4909	$74,000 00			$74,000 00
August 1, 1867	3996	100,000 00			100,000 00
December 7, 1867	5674	551,617 48			551,617 48
Do	5675	382,613 90			382,613 90
June 5, 1868	6569	60,830 79			60,830 79
July 9, 1868	7177	27,978 20			27,978 20
October 19, 1868	8403	40,409 62			40,409 62
January 13, 1869	9490	1,037 90			1,037 90
June 10, 1869	1022	14,613 21			14,613 21
November 6, 1869	2458	11,898 34			11,898 34
May 25, 1870	4315	17,005 98			17,005 98
August 9, 1870	4846	8,024 44			8,024 44
December 24, 1870	5714	20,669 87			20,669 87
June 23, 1871	7122	11,404 60			11,404 60
June 29, 1871	7153	56,264 05			56,264 05
August 6, 1875	6190	10,889 20			10,889 20
December 24, 1870	5714		$6,883 98		6,883 98
March 10, 1865	7041			$24,025 79	24,025 79
Total		1,389,257 58			1,420,167 35

PENNSYLVANIA.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Total.
Date.	Number.		
September 19, 1861	5069	$606,000 00	$606,003 00
May 1, 1867	3124	1,304,711 43	1,304,711 43
Do	3125	78,516 89	78,516 89
October 27, 1868	8511	105,651 46	105,651 46
August 26, 1870	4884	136,846 09	138,846 09
April 11, 1871	6408	137,822 59	137,822 59
May 15, 1871	6689	242,167 57	242,167 57
June 23, 1871	7123	298,753 08	298,753 08
August 10, 1875	6215	2,865 61	2,865 61
October 26, 1877	4742	58,490 41	58,490 41
March 4, 1878	5342	22,557 75	22,557 75
July 5, 1878	7275	29,527 23	29,527 23
March 10, 1879	716	8,236 56	8,236 56
July 1, 1880	6762	39,005 78	39,005 78
March 15, 1881	238	5,156 06	5,156 06
August 9, 1882	6382	94,561 15	94,561 15
March 13, 1883	413	33,766 58	33,766 58
Total		3,204,636 24	3,204,636 24

Statement of amounts and dates of payments made by the United States, &c.—Contin

OHIO.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Quartermaster's Department.	To refund to the State expenses incurred in raising 100 days troops (act May 6, 1866).	To reimburse the State for expenses in enrolling, &c., militia in the United States service (act March 29, 1867).	To
Date.	Number.					
November 13, 1861	5635	$177, 600 00				$177,
August 8, 1861	4739	900, 000 00				900,
December 24, 1864	6573	766, 896 94				766,
February 7, 1867	2075	1, 880 34	$200 00			2,
Do	2076	185, 128 99				185,
August 22, 1867	4444	56, 623 70		$102, 403 52		159,
December 30, 1867	5857	60, 900 80		59, 428 98		120,
December 10, 1868	9140	2, 963 48			$258, 767 66	261,
August 13, 1869	1752	23, 372 29				23,
June 21, 1870	4513	73, 039 26		158 94	7, 515 12	80,
April 3, 1871	6376	143, 436 32				143,
May 13, 1871	6587	1, 868 28				1,
March 11, 1873	2952	89, 557 09				89,
August 13, 1873	5374	4, 617 41				4,
May 26, 1874	9396	22, 021 48				22,
September 10, 1874	1059	13, 760 52				13,
December 17, 1875	7158	5, 578 27				5,
August 9, 1882	6378	67, 674 98				67,
March 13, 1883	409	70, 943 96				70,
July 11, 1884	5906	90, 246 92				90,
September 21, 1867	4858				680 31	
Do	4859				435 19	
September 26, 1867	4954				141 56	
October 8, 1867	5019				50 00	
Do	5020				19 50	
November 18, 1867	5466				34 50	
November 26, 1867	5586				4 50	
April 21, 1866	9370		*57, 368 77			
Total		2, 758, 111 03	57, 568 77	161, 991 44	267, 648 34	3, 245,

* Paid the State out of appropriation for payment of expenses of minute men and volunteers i
Kentucky, and Pennsylvania.

WISCONSIN.

Requisitions.		Refu to Stat pens curred ing v teers July 1 Febru 1862,
Date.	Number.	
September 2, 1861	4910	$205
July 18, 1862	8065	110
September 30, 1862	8567	147
May 19, 1865	7776	200
January 25, 1870	3092	219
March 17, 1873	3049	42
November 1, 1875	6772	10
Total		1, 035

Statement of amounts and dates of payments made by the United States, &c.—Continued.

IOWA.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	To reimburse the State for expenses incurred during the rebellion (act March 3, 1869).	Total.
Date.	Number.			
September 25, 1861	5112	$80, 000 00		$80, 000 00
September 7, 1862	7111	20, 000 00		20, 000 00
July 8, 1868	5917	135, 442 44		135, 442 44
Do	5918	384, 274 80		384, 274 80
June 17, 1869	1137		$229, 827 39	229, 827 39
January 25, 1870	3093	85, 079 64		85, 079 64
June 4, 1872	2679	101, 376 02		101, 376 02
March 7, 1874	8005	3, 496 99		3, 496 99
May 26, 1874	9395	262 17		262 17
Total		809, 932 06		1, 039, 759 45

ILLINOIS.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Clothing, &c.	Total.
Date.	Number.			
August 6, 1861	4716	$400, 000 00		$400, 000 00
June 23, 1862	7864		$124, 234 23	124, 234 23
June 25, 1862	7879	357, 747 48		357, 747 48
October 28, 1862	8789	974, 568 63		974, 568 63
Do	8790	110, 028 44		110, 028 44
April 17, 1863	627	320, 000 00		320, 000 00
August 8, 1864	5464	30, 000 00		30, 000 00
February 7, 1865	6840	438, 265 98		438, 265 98
June 7, 1867	3403	25, 680 68		25, 680 68
December 12, 1867	5791	71, 629 04		71, 629 04
December 23, 1868	9256	136, 345 81		136, 345 81
Do	9257	6 00		6 00
December 28, 1869	2902	52, 397 69		52, 397 69
July 14, 1870	4689	39, 023 78		39, 023 78
April 12, 1871	6426	514 75		514 75
Total		2, 956, 208 28		3, 080, 442 51

Statement of amounts and dates of payments made by the United States, &c.—Co

INDIANA.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, February 25, 1862, &c.).	Collecting, organizing, and drilling volunteers (act August 5, 1861).	To reimburse the State for expenses in enrolling, &c., her militia (act March 29, 1867).	To refund to State expenses incurred in raising 100 days troops (act May 6, 1864).	
Date.	Number.					
July 30, 1861	4684	$450,000 00				
August 20, 1861	4813		$100,000 00			
October 24, 1865	8666	133,302 91				
November 24, 1868	8917	415,655 39				
November 24, 1868	8918	700,442 43				
November 24, 1868	8919	198,128 14				
April 19, 1869	417			$243 54		
April 19, 1869	418			325 39		
May 27, 1869	871			289 17		
June 4, 1869	955			545 00		
June 4, 1869	956			289 17		
June 17, 1869	1130			298 67		
Do	1131			298 67		
Do	1132			298 67		
July 28, 1869	1515			118 17		
Do	1516			289 17		
Do	1517			90 59		
Do	1518			289 17		
July 30, 1869	1529			289 17		
August 14, 1869	1777			298 67		
Do	1778			298 67		
Do	1779			298 67		
Do	1780			362 10		
October 16, 1869	2291			722 07		
December 2, 1869	2654			240 13		
Do	2655			647 77		
Do	2656			667 36		
December 22, 1869	2885			104 00		
June 22, 1870	4574			464,923 24		
December 4, 1869	2680	40,523 55			$888 60	
January 25, 1870	3085			122 00		
September 12, 1870	4956	23,255 00				
January 9, 1871	5765			100 00		
November 10, 1871	951			22 60		
Do	952			13 40		
September 9, 1874	1030			11,218 96		
October 30, 1874	1505	112,267 56				
February 10, 1875	2294	10,362 01				
Total		2,083,936 99		483,704 19		2,

MINNESOTA.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, &c.).
Date.	Number.	
November 12, 1868	8684	$15,137 74
November 12, 1868	8685	45,215 23
November 28, 1868	8968	10,445 48
Total		70,798 45

Statement of amounts and dates of payments made by the United States, &c.—Continued.

KANSAS.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, &c.).	Reimbursing the State for expenses in suppressing the rebellion (acts February 2, 1871, and June 8, 1872).	Total.
Date.	Number.			
March 19, 1870	3734	$9, 360 82		$9, 360 82
April 18, 1871	6473		$110 00	110 00
Do	6474		110 00	110 00
Do	6475		110 00	110 00
August 14, 1872	827		336, 817 37	336, 817 37
February 4, 1878	5245	2, 073 34		2, 073 34
June 14, 1881	2651	26, 604 05		26, 604 05
August 9, 1882	6383	8, 952 57		8, 952 57
Total		46, 990 78	337, 147 37	384, 138 15

NEBRASKA.

Requisitions.			
Date.	Number.	Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, &c.).	Total.
July 12, 1884	6018	$485 00	$485 00

COLORADO TERRITORY.

Requisitions.			
Date.	Number.	Payment for services of militia in 1864 (act July 25, 1868).	Total.
January 23, 1869	9568	$55, 238 84	$55, 238 84

MISSOURI.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, &c.).	Supplying and transporting arms, &c., to loyal citizens of revolting States (act July 31, 1861).	Reimbursing State for militia expenses during the rebellion (act April 17, 1866).	Act to authorize the Secretary of the Treasury to examine and report upon claims for payments made by the State to her militia since April 17, 1866 (approved January 27, 1879).	Total.
Date.	Number.					
October 6, 1862	8606		$125, 000 00			$125, 000 00
April 24, 1867	3042			$3, 023 79		3, 023 79
Do	3043			645, 331 08		645, 331 08
July 17, 1867	3944			1, 696, 391 46		1, 696, 391 46
August 22, 1867	4443			1, 000, 000 00		1, 000, 000 00
September 4, 1867	4500			1, 817, 864 66		1, 817, 864 66
September 27, 1867	4982			1, 128, 807 25		1, 128, 807 25
September 9, 1867	4605	$646, 958 23				646, 958 23
October 24, 1867	5280			78, 044 60		78, 044 60
Do	5281			171, 960 86		171, 960 86
August 12, 1868	7587			32, 445 40		32, 445 40
August 9, 1882	6376				$234, 407 10	234, 407 10
Do	6377				187 00	187 00
Total				6, 573, 869 10	234, 594 10	7, 580, 421 43

Statement of amounts and dates of payments made by the United States, &c.—Continued

MICHIGAN.

Requisitions.		Refundin to States expenses i curred in r ing volu teers (ac July 17, 18 &c.).
Date.	Number.	
August 27, 1861	4848	$92, 000
June 14, 1867	3594	254, 400
June 10, 1868	6672	171, 598
Do	6673	172, 098
October 22, 1868	8444	17, 302
January 5, 1870	2928	19, 035
June 15, 1872	2695	58, 892
May 4, 1876	8115	14, 224
December 7, 1876	2064	555
May 11, 1877	4154	1, 088
February 7, 1878	5259	373
July 1, 1880	6760	347
July 11, 1884	5904	42, 345
Total		844, 262

DELAWARE.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, &c.).	Subsistence.	Total.
Date.	Number.			
June 12, 1877	4372	$6, 511 41		$6, 511
June 25, 1877	4476	15, 972 09		15, 972
August 24, 1877	4605	4, 558 26		4, 558
September 25, 1877	4653	2, 828 00		2, 828
October 20, 1884	5963		$3, 019 20	3, 019
Total		28, 969 76	3, 019 20	31, 988

MARYLAND.

Requisitions.		Refundin to States expenses i curred in raising volu teers (acts July 17, 186 &c.).
Date.	Number.	
July 9, 1868	7181	$7, 161
July 13, 1872	208	3, 550
January 25, 1873	2467	4, 141
November 3, 1875	6791	50, 063
January 11, 1876	7350	16, 861
January 25, 1877	2393	32, 893
March 29, 1877	3194	13, 759
July 28, 1877	4546	4, 708
Total		133, 140

Statement of amounts and dates of payments made by the United States, &c.—Continued.

VIRGINIA.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, &c.).
Date.	Number.	
November 22, 1861	5780	$12,000 00
July 26, 1862	8128	14,319 24
July 24, 1863	7407	6,128 62
January 18, 1869	9536	16,022 11
Total		48,469 97

WEST VIRGINIA.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, &c.).	Reimbursing the State for expenses incurred (act June 21, 1866).	Total.
Date.	Number.			
March 27, 1867	2484		$1,068 38	$1,068 38
Do	2485		420 08	420 08
March 29, 1867	2486		1,086 63	1,086 63
April 4, 1867	2594		391 67	391 67
Do	2595		407 17	407 17
Do	2596		391 67	391 67
May 20, 1867	3342		382 17	382 17
Do	3343		385 17	385 17
Do	3344		291 00	291 00
Do	3345		119 00	119 00
Do	3346		366 17	366 17
July 8, 1867	3842		376 17	376 17
July 9, 1867	3843		376 17	376 17
Do	3844		298 67	298 67
August 5, 1867	4029		364 17	364 17
Do	4030		289 17	289 17
Do	4031		364 17	364 17
August 19, 1867	4431		376 17	376 17
Do	4432		298 67	298 67
Do	4434		376 17	376 17
September 13, 1867	4673		298 67	298 67
Do	4674		376 17	376 17
Do	4675		376 17	376 17
October 10, 1867	5108		364 17	364 17
Do	5109		289 17	289 17
Do	5110		364 17	364 17
November 22, 1867	5559		376 17	376 17
Do	5560		376 17	376 17
January 22, 1868	6069		216 00	216 00
Do	6070		1,012 19	1,012 19
Do	6071		983 33	983 33
Do	6072		944 89	944 89
June 12, 1868	6744		302,679 28	302,679 28
Do	6745	$153 978 75		153,978 75
Total			317,085 19	471,063 94

Statement of amounts and dates of payments made by the United States, &c.—Contin

KENTUCKY.

Requisitions.		Refunding to States expenses incurred in raising volunteers (acts July 17, 1861, &c.).	Reimbursing the State for expenses in suppressing the rebellion (act June 8, 1872, &c.).	Army transportation, 1871 and prior years, act March 3, 1877 (deficiencies).	Tot
Date.	Number.				
May 26, 1862	7604	$315, 000 00			$315,
June 27, 1862	9901	436, 000 00			436,
June 3, 1863	1056	100, 000 00			100,
March 8, 1864	4172	200, 000 00			200,
February 8, 1867	2086	155, 115 09			155,
Do	2087	606, 641 03			606,
April 24, 1867	3044	40, 398 30			40,
June 5, 1867	3369	79, 674 75			79,
August 26, 1867	4445	40, 623 39			40,
October 15, 1867	5183	83, 412 64			83,
March 9, 1868	6261	34, 341 78			34,
June 11, 1868	6693	40, 823 56			40,
August 25, 1868	7691	31, 812 53			31,
August 5, 1869	1607	14, 308 48			14,
April 27, 1870	4062	28, 174 51			28,
October 22, 1870	5236	145, 710 00			145,
May 29, 1871	6868	50, 119 75			50,
June 17, 1871	7081	130, 543 60			130,
August 20, 1872	966		$525, 258 72		525,
March 16, 1874	8136	30, 588 53	58, 199 32		88,
April 18, 1874	8730		6, 728 25		6,
November 2, 1874	1535	3, 568 23	35, 490 65		39,
July 13, 1875	5981	24, 817 23	33, 739 93		58,
December 17, 1875	7157	4, 538 85	8, 411 33		12,
June 13, 1876	9080	25, 531 94	7, 046 38		32,
November 25, 1876	1982	4, 967 08	390 27		5,
May 9, 1877	4136			$101, 121 05	101,
June 1, 1877	4270	10, 452 27	4, 114 53		14,
March 10, 1879	717	6, 091 85			6,
July 1, 1880	6763		15, 000 00		15,
August 9, 1882	6381	36, 211 81			36,
March 13, 1883	412	29, 498 94			29,
Total		2, 708, 966 14	694, 379 28	101, 121 05	3, 504,

APPENDIX A.—*Statement of amounts refunded to States for expenses incurred in raising volunteers for war of the rebellion, paid through the office of the Second Auditor.*

State.	Date of payment.	No. of warrant.	Amount paid to States.	Total.
New Hampshire	June 15, 1863	8436	$450 00	$450 00
Massachusetts	Apr. 18, 1862	8565	7, 608 88	7, 608 88
New York	Apr. 13, 1863	6750	191, 288 46	
	Apr. 19, 1864	5760	5, 787 65	
	July 16, 1864	7155	1, 862 41	
				198, 938 52
New Jersey	Dec. 18, 1883	2589	46, 042 93	
	Jan. 19, 1865	1342	50, 816 51	
				96, 859 44
Pennsylvania	June 18, 1866	8447	667, 074 35	667, 074 35
Indiana	Apr. 17, 1862	8477	68, 701 60	
	July 14, 1862	838	74, 508 95	
	Nov. 7, 1862	2795	61, 439 45	
	Nov. 7, 1862	2796	2, 707 91	
	Dec. 8, 1862	3408	72, 445 80	
	Jan. 8, 1863	4017	237, 269 30	
	Apr. 1, 1863	6443	23, 207 64	
	Apr. 1, 1863	6444	49, 122 20	
	May 2, 1863	7298	17, 928 98	
	July 8, 1863	8976	47, 594 30	
	Aug. 5, 1863	9569	38, 548 76	
	Sept. 27, 1863	527	53, 971 55	
	Nov. 7, 1863	1932	41, 361 88	
	Apr. 13, 1864	5625	50, 217 17	
	Apr. 23, 1864	5915	16, 933 39	
	Apr. 15, 1864	5654	47, 355 62	
	Apr. 19, 1864	5786	27, 404 56	
	June 20, 1864	6685	64, 352 26	
	Jan. 22, 1864	3466	32, 000 00	
	June 20, 1864	6686	13, 273 82	
	July 23, 1864	7317	3, 026 79	
	Feb. 14, 1866	7352	5, 902 55	
	Apr. 9, 1866	7818	74 75	
	Dec. 18, 1868	5168	23, 859 28	
				1, 073, 208 51
Minnesota	Dec. 16, 1863	2, 577	276 75	276 75
Total				2, 044, 416 45

RECAPITULATION.

States.	Amount.	States.	Amount.
Connecticut	$2, 096, 950 46	Kansas	$334, 138 15
Massachusetts	3, 660, 483 07	Nebraska	485 00
Rhode Island	723, 530 15	Colorado Territory	55, 238 84
Maine	1, 027, 185 00	Missouri	7, 580, 421 43
New Hampshire	976, 081 92	Michigan	844, 262 53
Vermont	832, 557 40	Delaware	31, 988 96
New York	3, 957, 996 98	Maryland	133, 140 99
New Jersey	1, 420, 167 35	Virginia	48, 469 97
Pennsylvania	3, 204, 636 24	West Virginia	471, 063 94
Ohio	3, 245, 319 58	Kentucky	3, 504, 466 57
Wisconsin	1, 085, 059 17		
Iowa	1, 039, 759 45		42, 093, 173 89
Illinois	3, 080, 442 51	Appendix A	2, 044, 416 45
Indiana	2, 668, 529 78		
Minnesota	70, 798 45	Total	44, 137, 590 34

Statement of appropriations, under general act approved July 27, 1861, on account of ing to States expenses incurred in raising volunteers for the suppression of the r and of amount carried to the surplus fund, showing total amount of advances to t on this account.

Date of acts making appropriations.	No. of warrant.	Date of warrant.	Amou propr
July 17, 1861	2	July 22, 1861	$10,
February 25, 1862	7	Mar. 18, 1862	15,
"Indefinite act"	80	June 30, 1869	1,
Do	95	June 30, 1870	
Do	115	June 30, 1871	2,
May 18, 1872	124	May 20, 1872	1,
June 10, 1872	135	July 1, 1872	
March 3, 1873	153	July 1, 1873	
June 23, 1874	171	July 1, 1874	
March 3, 1875	196	July 1, 1875	
June 20, 1878	273	July 1, 1878	
March 3, 1879	282	Mar. 7, 1879	
June 16, 1880	308	June 21, 1880	
March 3, 1881	330	Mar. 11, 1881	
August 5, 1882	377	Aug. 8, 1882	
March 3, 1883	386	Mar. 10, 1883	
July 7, 1884	426	July 8, 1884	
Total			32,
Deduct amount carried to surplus fund			
Total advanced to the States			32,

Surplus fund, warrants, number, date, and amount.

193.	June 30, 1875	$
247.	June 30, 1877	
267.	June 29, 1878	
	Total to surplus fund	

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1439.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1885.—Ordered to be printed.

Mr. HARRISON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1266.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1266) for the relief of Alexander D. Schenck, having considered the same, respectfully report:

That in response to an inquiry addressed to the Secretary of War, asking for the views of his Department in relation to the proposed legislation, we have received the following:

WAR DEPARTMENT,
Washington City, January 30, 1885.

SIR: I have the honor to acknowledge the receipt of your communication of January 20th, instant, asking this Department to give the Committee on Military Affairs any information it may have touching the matter referred to in the inclosed bill, H. R. 1266, for the relief of Alexander D. Schenck. In reply I have the honor to inform you that the papers in the case are somewhat voluminous, but it is believed that the substantial facts are shown in a communication from the Commissary-General of Subsistence to the Secretary of War dated August 3, 1881, a copy of which is inclosed.

I also inclose a copy of a communication addressed by this Department to the accounting officers of the Treasury, with a statement of the replies thereto, from which it will appear that the amount, $394.89, with which Lieutenant Schenck was originally charged, was reduced by the amount of stoppage and forfeiture imposed by the sentence of the court-martial upon Commissary Sergeant Leyton. This amount was $287.34, upon crediting which a charge against Lieutenant Schenck of $107.55 was left, which it is understood he has paid into the Treasury.

Commissary Sergeant Leyton was undoubtedly primarily and criminally responsible for the loss of the commissary stores in question, and he was convicted therefor by a court-martial and sentenced to be dishonorably discharged from the Army, and to be confined at hard labor for three years. He was also sentenced to forfeit all pay and allowances due him. Lieutenant Schenck was acting commissary of subsistence, and as such was responsible for the stores in question. Section 1304 of the Revised Statutes provides that "in case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent * * * unless he shall show to the satisfaction of the Secretary of War * * * that said deficiency was not occasioned by any fault on his part."

Upon consideration of all the papers in the case I came to the conclusion that Lieutenant Schenck, for about six months, relied entirely on others for the performance of the commissary duties for which he alone was responsible, and that if he had not been negligent in examining and taking inventories of these particular stores the depredation of them would have been discovered nearly six months before it was.

It is true that he was away from the post on duty a number of times, but that did not prevent him from taking inventories on his return; and it was also considered by me that he might have protected himself from responsibility under paragraph 1735 of the Army Regulations, which provides that when the detail of an officer personally accountable for public property is unavoidable, "the proper commanding officer will either designate another officer to relieve the officer accountable, and to receipt for all his public property, or will himself receive and receipt for the same until the return of the officer detailed." Lieutenant Schenck not having exercised a careful supervision of the stores, and not having protected himself under the provisions of para-

graph 1735 of the Army Regulations, I was not able to find, under section 1304 of th Revised Statutes, that the "deficiency was not occasioned by any fault on his part." Undoubtedly the depredation of the stores were very skillfully conducted by the com missary sergeant, who went to the extent of suppressing official correspondence be tween the Subsistence Department and Lieutenant Schenck, each party to the corre spondence being thus kept in ignorance of the fact that letters sent were not receive

I deem it proper to add that my refusal to give Lieutenant Schenck relief was base on the strict terms of the statute above recited, which requires the absence of an fault on the part of the officer. I see no serious objection, under all the circumstance of the case, to the granting of the proposed relief by Congress.

I have the honor to be, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. BENJAMIN HARRISON, U. S. S.,
Acting Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

WAR DEPARTMENT,
Washington City, December 8, 1881.

SIR: Inviting your attention to the provisions of section 4118 (4818?) of the Revise Statutes, relating to the setting apart of certain specified funds for the support of th Soldiers' Home, among them being "all stoppages or fines adjudged against soldie by sentence of courts-martial, over and above any amount that may be due for the re imbursement of Government or of individuals," I have the honor to request, if, in you judgment, the circumstances narrated below being the case within the purview of th provision above recited, that the amount of the forfeiture adjudged against Commissar Sergeant John V. Seyton be placed to the credit of the Subsistence Department of th Army, in reimbursement, so far as the amount will serve, of the Government for th loss caused by the said commissary sergeant's malfeasance, and that this office be ad vised of the sum so credited.

The above-named commissary sergeant was convicted by a general court-marti convened at Fort Johnston, N. C. in May, 1880, of divers offenses, one specificatio descriptive thereof being in the following terms:

"In that John V. Seyton, a commissary sergeant, United States Army, on duty Fort Johnston, N. C., having under his charge for safe-keeping the subsistence stor at the post, and for which Lieut. A. D. Schenck, Second Artillery, acting assistant com missary of subsistence, was accountable, did allow knowingly certain of said store in money value amounting to about $416.60, to be stolen or taken unlawfully from th subsistence storehouse." He was sentenced "to be dishonorably discharged from th service of the United States, to forfeit all pay and allowances due him, and to be con fined at hard labor under charge of a guard at such a place as the reviewing autho ity may direct for the period of three years." This sentence was formally approve and ordered to be executed by Brigadier-General Augur, and promulgated in Gener Court-Martial Order No. 10, Headquarters Department of the South, June 24, 1880.

The value of the stores found to have been illegally disposed of through the crim inality of Sergeant Seyton stands charged to Lieutenant Schenck, who must, und the law, be held responsible for the reimbursement to the Government of the whe amount, or of such sum as may remain after deducting therefrom the amount of th forfeiture adjudged by the sentence of the court-martial above set forth, should you judgment coincide with my own that the forfeiture should be devoted to a partial re imbursement of the Government.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

THE SECOND COMPTROLLER OF THE TREASURY.

JANUARY 21, 1882.

Second Comptroller, replying to War Department letter 8th ultimo, relative stoppages and fines being credited to bureaus, states that the amount of forfeiture a judged against John V. Seyton, late commissary sergeant, will be placed to credit Subsistence Department, and War Department advised of amount.

MARCH 20, 1882.

Second Comptroller refers to previous correspondence on the subject, and states has confirmed a settlement placing to credit of War Department, subsistence, $287.3 amount due on account of pay and clothing allowance of John V. Seyton, late com missary sergeant, United States Army, at date of his desertion.

Your committee recommend the passage of the bill.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1440.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1885.—Ordered to be printed.

Mr. HARRISON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 2637.]

The Committee on Military Affairs, to whom was referred the bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa., have considered the same, and respectfully report:

That in response to an inquiry addressed to the Secretary of the Interior on the subject we have received the following:

DEPARTMENT OF THE INTERIOR,
Washington, February 17, 1885.

SIR: I have the honor to acknowledge receipt of communication of the 14th instant from your committee, requesting my consideration of the bill (S. 2637) "to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa."

The matter having been referred to the Commissioner of Indian Affairs, I have the honor to inclose herewith for your information a copy of his report thereon, wherein he suggests an amendment to the bill, saying that as thus amended he sees no objection to its passage.

The land in question belongs to a military reservation which is held by this Department under the law of July 31, 1882 (22 Stat., 181), authorizing the use of unoccupied military barracks for Indian school purposes.

So far as this Department is concerned in the matter, I can see no objection to the passage of the bill, amended as proposed by the Commissioner of Indian Affairs.

Very respectfully,

H. M. TELLER,
Secretary.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 17, 1885.

SIR: I have the honor to acknowledge the receipt by Department, reference for report, of a letter dated the 14th instant, from the acting chairman of the Senate Committee on Military Affairs, inclosing Senate bill No. 2637, Forty-eighth Congress, second session, "To authorize the Secretary of the Interior to release a right of way across lands of the United States, at Carlisle, Pennsylvania," and asking for the views of the Department in reference thereto.

With the amendment noted below, I see no objection to the passage of the bill:

On line 7, after the words "right of way," insert the following words, viz: "On

such line as may be agreed upon by the railroad company, and Captain Pratt, i perintendent of the Indian School at Carlisle."

Senator Harrison's letter, with its inclosure, is herewith returned, and a copy this report is inclosed.

Very respectfully,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

That in response to an inquiry addressed to the Secretary of W asking for his views upon the proposed legislation, we have been fu nished with the following:

WAR DEPARTMENT,
Washington City, February 16, 1885.

SIR: In reply to your letter of the 14th instant, asking the views of this Depa ment upon the inclosed bill, S. 2637, "To authorize the Secretary of the Interior release a right of way across lands of the United States at Carlisle, Pennsylvania," have the honor to state that as the power proposed to be given by the bill is to exercised only in the discretion of the Secretary of the Interior, it is presumable th it would not be so exercised as in any way to interfere with the interests of the Unit States, and that while the property known as Carlisle Barracks has not been forma turned over to the Interior Department by the War Department, yet it is conside by this Department that the War Department will not probably again have need the barracks, and that their use as an Indian school by the Interior Department not likely to be interrupted, and therefore this Department has no objection to u to the passage of the bill.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War

Hon. BENJAMIN HARRISON,
Acting Chairman Committee on Military Affairs, United States Senate.

In view of the facts stated in the above comm unications your comm tee report the bill favorably, and recommend its passage with the f lowing amendments:

Strike out the word "be" in line 3, and insert the word "is." Af the word "such" in line 4, insert the word "terms." After the wo "think" in line 5, insert the words "proper and." Strike out the wo "release" in line 6, and insert the word "give." After the wo "way" in line 7, insert the words "on such line as may be agre upon." After the word "purpose," insert the words "Congress serves the right to amend or repeal this act."

C

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1441.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1885.—Ordered to be printed.

Mr. GORMAN, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 1963.]

The Committee on Indian Affairs, to whom were referred a bill (S. 1963) and memorial for the relief of John G. Fell, Edward Hoopes, and George Burnham, surviving trustees of the Walnut Grove Mining Company, have had the same under consideration, and present the following report:

The memorialists, men of high standing and untarnished reputation, of Philadelphia, show by numerous affidavits of persons of unimpeachable character that they invested in the purchase of goods, supplies, machinery, and necessary outfit, wagon trains, and in the employment of men in the erection of buildings for store-rooms, business offices, dwelling-houses, mining machinery, and the purchase of material for said buildings, a very large amount of money.

They further show that they would not have made this investment or any part of it had not protection been guaranteed, which said guarantee is as follows:

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Santa Fé, N. Mex., July 11, 1864.

MY DEAR SIR: In answer to your verbal question as to the safety of carrying on mining operations hereafter in Arizona, I will say I have already inaugurated a campaign against the Apache Indians that will result in their complete subjugation, and should you induce friends in the East to join you in erecting a quartz-mill in the newly-discovered gold regions near Fort Whipple, the enterprise will be fully protected by the military. I am well assured that building a quartz-mill there, and developing some one of the rich mines will result in such benefit to the Government as to amply compensate for the protection given.

I have the honor to be, very respectfully,

JAMES H. CARLETON,
Brigadier-General, Commanding.

GEORGE H. VICKROY, Esq.

They further show that, on account of the failure of protection repeatedly promised, but never given, their mill, machinery, houses, wagons, and supplies were destroyed, and their stock captured and driven off by the Apache Indians in Arizona Territory, between August 1, 1865, and July 9, 1869.

They show that, in accordance with Rule 4, adopted by the Secretary of the Interior, under the act of May 29, 1872, and estimating the price of the property where destroyed instead of where purchased, in accordance with said rule, their losses would be greatly increased.

They further state that on the 2d day of January, 1873, they made application to the Interior Department for compensation for said losses and after a thorough examination, the following reports were made:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 7, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from the Department on the 2d instant, of a letter from George H. Vickroy, dated 2d ultimo, submitting a claim of the Walnut Grove Mining Company of Arizona Territory, on account of depredations alleged to have been committed by Apache Indians at various times from August, 1865, to July 9, 1869, the loss being stated at $292,800.

The papers in the case have been carefully examined in this office, and the conclusion that the claim is not without merit is justified, it is thought, by the sworn statements of parties who were identified with the operations of the company as employés, and who were personally cognizant, in most instances, of the facts stated by them. What amount of loss the company actually sustained by the direct acts of the Indians is a question difficult of satisfactory reply or determination. The depredations were numerous, and the task of harmonizing the evidence of different parties as to the particular facts in each and every instance seems to be impracticable, especially with reference to the loss of mules or "animals." Some of the items in the claim, such as "stock of goods and provisions, $32,000," are without the support of sufficient proof and in others the valuation is manifestly excessive.

It will be seen by the testimony of G. H. Vickroy, the first superintendent of the company, that the outfit purchased by him, consisting of a 20-stamp quartz mill, 40 horse power engine, 26 wagons, 268 mules and harness, provisions, tools, &c., cost about $77,000. With this amount much material apparently is procured. Referring to the schedule of property (accompanying the claim), which, it is alleged, was either captured or destroyed by the Indians, it will be observed that the item of "20-stamp quartz-mill burned is for the sum of $118,000." A reasonable doubt arises as to this being the real value of that particular piece of property, for the presumption is that the machinery in the mill was the most important part of it, the cost of which may be estimated by taking Mr. Vickory's statement as to the $77,000 expended for quartz mill and other property, and by allowing for cost of transportation. The charges for houses destroyed are regarded as exorbitant and without support of sufficient proof and other charges, which should have been itemized, or an invoice of the same furnished, are deemed to be inadmissible, from the fact that they are not so itemized; in addition, they are not well sustained by proof.

I respectfully submit that the allegation of the depredations having been committed as set forth in the claim is sufficiently proved, and recommend that the case be submitted to Congress for its action.

In this connection it is proper to remark that, under the limitation provided in the seventeenth section of the law of June 30, 1834, in regard to claims for depredations by Indians, the claim under consideration, not having been presented within three years, is barred.

The letter of Mr. Vickroy and papers submitted by him are herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. B. R. COWEN,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 14, 1873.

SIR: I have the honor to transmit herewith, as required by the seventh section of the act making appropriations for the Indian Department, approved May 29, 1872, the claim of the Walnut Grove Mining Company of Arizona, amounting to $292,800 on account of depredations committed by Apache Indians between August 1, 1865, and July 9, 1869.

The seventeenth section of the trade and intercourse act of 30th of June, 1834, requires that application for compensation for depredations shall be made to the proper superintendent, agent, or subagent within three years after the commission of the injury, otherwise the claim shall be barred.

The peculiar condition of affairs in Arizona, it is alleged, prevented a compliance with the requirements of said section.

From an examination of the papers, this Department is satisfied that the claim possesses merit, and it is respectfully submitted with the recommendation that it receive the favorable consideration of Congress.

Very respectfully, &c.,

B. R. COWEN,
Acting Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

The act of June 30, 1834, referred to by the Secretary of the Interior in his report, requires that application for indemnity shall be presented to the superintendent, Indian agent, or subagent within whose jurisdiction the tribe committing the depredations belongs, and the reference in said report that the peculiar condition of affairs in Arizona prevented a compliance with the requirements of said law means, as stated by the memorialists under oath, that there was no officer in Arizona before whom their claims could have been presented within the specified time; and the law of May 29, 1872, provides that the Secretary of the Interior shall prepare and publish rules and regulations for the presentation of claims; and the Secretary did not promulgate rules in pursuance of said law until July 13, 1872. Therefore, there being no officer in Arizona to whom the claim could be presented within the time specified, before the passage of the act of May 29, 1872, and the claim having been presented January 2, 1873, and the Secretary not having promulgated the rules until July 13, 1872, your committee submit that the claimants cannot be considered in laches.

Your committee call the attention of Congress to the fact that at the time this great enterprise was undertaken the Territory of Arizona had been recently organized, and the great desire and anxiety of the inhabitants of the sparsely settled country and of the officers of the Territory, civil and military, was expressed in its favor; that the mines were known to be fabulously rich, and, as it was confidently believed, that the introduction and successful prosecution of such an enterprise would induce a large emigration, rapid growth, and development of the country. And your committee call the attention of Congress to the fact that at this time the Territory was under martial law; that General Carleton, then in command, exercised supreme control over that whole country, and was the recognized authority there. He made war and peace with Indian tribes, built military posts and forts, and carried on the whole machinery of the civil and military government, and every act of his was indorsed and approved by the General Government, and while thus exercising supreme control he announced officially that he had inaugurated a campaign against the Apache Indians that would result in their complete subjugation, and this enterprise should be fully protected by the military; and they made this large expenditure of money, and went to Arizona to prosecute this great enterprise at the invitation of the territorial government, and with this guarantee of protection. But instead of protecting this large property, as he promised to do, and which he had a perfect right to do, and should have done, the Indians were permitted to kill the employés and to destroy the property.

Your committee, after a careful examination of the various items and the gross amount claimed, believe and state that they are fully sustained by the proof, every statement made pertaining to them being made under oath, and made by persons cognizant and living witnesses of the facts stated by them; that the proof of items reported by the Commissioner as insufficient has subsequently, at great expense, been supplied, so that your committee are fully satisfied that the proof of the

losses sustained is ample; but after the expenditure of the $77,000, as shown by Mr. Vickroy, it must have become evident by the failure of the military authorities to furnish troops that the company would not have the military protection that had been guaranteed, and all subsequent outlay was made by the company at its own peril; and therefore your committee can only recommend the payment of $77,000, notwithstanding the evidence shows that the company lost at least $292,000.

On a rigid examination of the case, your committee are unable to find any dereliction on the part of the company, or where they were in a single instance at fault; and your committee consider it unjust to the claimants to refuse compensation for the losses sustained, and therefore recommend the passage of the accompanying bill, amended so as to conform to the recommendation of the committee; that is, appropriating $77,000 in full satisfaction of claimant's demand, instead of $292,800 demanded in the bill.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1442.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1885.—Ordered to be printed.

Mr. HALE, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany bill H. R. 8239.]

NAVAL APPROPRIATION BILL, 1886.

Amount of estimates for 1886	$30,555,899 50
Amount of House bill	15,314,837 95
Increase made by Senate committee (net)	2,364,500 00
Total as reported to the Senate	17,689,337 95
Amount of appropriations for 1885	14,980,472 59
The bill as reported is less than the estimates	12,866,561 55
The bill as reported exceeds the appropriations for 1885	2,708,865 36

The changes in the amounts of the House bill made by the Senate committee are as follows:

INCREASE.

General support, Bureau of Navigation	$12,500
Special ocean surveys	10,000
Publication of Professional Papers	10,000
Purchase or manufacture of steel guns of small caliber	21,000
Miscellaneous expenses, Bureau of Ordnance	1,000
Equipment of vessels, Bureau of Equipment and Recruiting	25,000
General maintenance, Bureau of Yards and Docks	50,000
Repairs, Bureau of Medicine and Surgery	5,000
Provisions and clothing, Bureau of Provisions and Clothing	15,000
Continuing work on the double-turreted monitors	2,000,000
Construction of steel cruisers and gunboats, net increase	115,000
Armament of new cruisers and gunboats	500,000
Total increase	2,764,500

REDUCTION.

For completion of the New York	400,000
Net increase made to House bill	2,364,500 00

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, February 25, 1885.

SIR: I have the honor to state that the House of Representatives in its naval appropriation bill, No. 8239, has reduced the estimates of this Bureau for the fiscal year ending 30th June, 1886, as follows:

Under "equipment of vessels," from $896,000 to $800,000.

"Transportation and recruiting," from $35,000 to $30,000.

"Contingent, equipment and recruiting," from $20,000 to $15,000.

In this connection I have to state that the Bureau's estimates were based upon the actual necessities of the service to keep the contemplated number of vessels in commission for the coming year, and the repeated action of the House for several years past in reducing the amount has always caused a deficiency, especially in the appropriation "equipment of vessels."

The Bureau therefore earnestly hopes that the amounts as estimated for may be restored in the appropriation bill now pending in the Senate, in order to enable it to carry on its duties efficiently.

Very respectfully, your obedient servant,

W. S. SCHLEY,
Chief of Bureau.

Hon. WM. E. CHANDLER,
Secretary of the Navy.

MEMORANDUM FOR THE HONORABLE SECRETARY OF THE NAVY, IN REFERENCE TO H. R. BILL 8239, MAKING APPROPRIATIONS FOR THE NAVY, IN THE SENATE.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, February 25, 1885.

It would seem best to specify the caliber of the guns to be tested. The Bureau has two 10-inch guns in course of construction at the Washington navy-yard, and has also forgings being made in England for one 10½-inch gun.

It is not thought that the proof of the latter caliber would establish any facts of importance that cannot be as well decided by the test of the 10-inch guns, and it is feared that if we wait for the 10½ inch forgings we may be delayed in getting to that test. It is therefore suggested that in line 130 strike out the words "the larger" and insert *ten inch*, and strike out in the same line the letter "s" in the word "calibers."

Insert after line 128: "For the purchase or manufacture of steel guns of small caliber for ships now in service, and for testing the guns at the Naval Ordnance Proving Ground, $21,000."

The insertion of this item is asked because at the request of the Subcommittee on Appropriations of the House, the phraseology of the preceding paragraph was so altered by the Bureau as to confine the use of the money especially to the care and use of the old armament.

This arrangement leaves no funds for conducting and administering the Naval Ordnance Proving Ground which is an essential establishment for the use of the Bureau at the present time when new types of guns, powder, and projectiles are constantly being brought forward for trial. The Bureau supposed that the sub-committee had consented to the insertion of this item.

In line 156, strike out "three" and insert *four*.

The business of this Bureau has increased so much lately that the above amount will not be sufficient for the service required, and it is requested that Congress be asked to appropriate at least $4,000 under this head.

MONTGOMERY SICARD,
Chief of Bureau.

MEMORANDUM.

Surveys on machinery of wooden vessels since August 1, 1882.

Date of survey.	Name of ship.	Estimated cost of repairs.	Estimated cost of new, under machinery alone.
1882.			
August 17	Alert	$51,000 00	*$130,000 00
September 12	Shenandoah	31,000 00	128,000 00
September 26	Omaha	39,600 00	240,000 00
October 4	Plymouth	37,000 00	225,000 00
October 31	Ticonderoga	58,000 00	205,000 00
November 10	Rocket	3,000 00	*18,000 00
December 20	Wachusett	25,000 00	200,000 00
1883.			
January 15	Mayflower	2,000 00	*28,000 00
March 8	Nipsic	6,500 00	175,000 00
June 7	Tennessee	1,975 00	*500,000 00
June 21	Swatara	3,200 00	*235,000 00
August 18	Marion	18,000 00	235,000 00
September 26	Galena	7,954 00	149,319 00
September 18	Quinnebaug	36,000 00	*235,000 00
October 22	Yantic	15,000 00	68,500 00
1884.			
June 4	Pensacola	15,000 00	300,000 00
June 4	Tennessee	10,500 00	*500,000 00
August 5	Ranger	7,790 00	*130,000 00
September 3	Adams	28,000 00	*175,000 00
October 13	Richmond	25,000 00	*300,000 00
November 24	Brooklyn	5,400 00	*300,000 00

* Estimated by the Bureau.

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION AND REPAIR,
Washington, February, 1885.

SURVEYS ON WOODEN SHIPS NOW IN THE SERVICE.

[Memorandum for the Hon. Secretary of the Navy.]

Date of survey.	Name of ship.	Estimated cost of repairs.	Estimated cost of a new similar ship, under Construction Bureau.
1882.			
September 6	Monongahela	$24,500 00	$500,000
September 21	Shenandoah	105,000 00	550,000
1883.			
May —	Ticonderoga	95,565 06	494,587
June 28	Marion	44,009 27	440,241
September 22	Galena	16,181 00	437,000
October 12	Constellation	53,142 45	500,000
1884.			
March 4	Bear	29,854 00	*102,214
March 29	Thetis	30,173 00	£28,000
April 25	Alert	19,185 00	.....
May 26	Pensacola	43,685 50	$614,500
October 2	Richmond	48,000 00	575,000
November —	Brooklyn	15,858 00	.....
November 29	Tallapoosa	43,336 00	240,000
1885.			
January 2	Essex	47,200 00	300,000

* Cost.

MEMORANDUM.

The cruisers now building are not modeled after any particular vessels, but are designed to combine all the latest improvements in naval construction and ordnance.

The Chicago, 4,500 tons displacement, is a protected steam cruising frigate, and only differs from the latest foreign types in the use of beam instead of horizontal engines.

Boston and Atlanta, sister ships, 3,000 tons displacement, are *second-class protected steam cruisers*, with single screws and horizontal engines, with an arrangement of battery giving the maximum fighting power possible for vessels of this class.

Dolphin, 1,500 tons displacement, dispatch vessel.

The Department's annual report recommended the construction of additional vessels, as follows:

FOUR CLASSES OF UNARMORED VESSELS.

1. Two vessels of the class of the Boston and Atlanta, with twin screws and greater speed.
2. Two heavily armed cruising gunboats of 1,500 tons displacement.
3. One light cruising gunboat of 7 tons displacement.
4. One armed dispatch boat.

TWO CLASSES OF ARMORED VESSELS.

1. One armored cruiser of about 7,000 tons displacement.
2. One armored ram.

In addition, the Department recommended the completion of the monitors which represent the first and second classes of coast-defense vessels.

Estimates of the cost of each of the vessels were submitted, pages 39 and 40 of the Report of the Secretary of the Navy.

BUREAU OF ORDNANCE, NAVY DEPARTMENT,
Washington City, February 25, 1885.

[Memorandum for the Hon. Secretary of the Navy.]

Estimated cost of batteries of certain proposed ships.

Two cruisers, between 3,000 and 4,000 tons displacement, complete with main and secondary batteries, spar torpedoes, and ships' and boats' search lights, each $230,000	$460,000
Two-thirds of this for the first year	307,000
One heavy gunboat (1,600 tons displacement), one 10-inch, one 6-inch, and two 5-inch guns, with secondary battery and spar torpedo outfit, and boat search lights (all the first year)	126,300
If a 10-inch gun is substituted for the 6-inch, $33,000 must be added.	
One light gunboat (800 tons displacement), two 6-inch guns, four 5-inch guns, secondary battery and spar torpedoes, boat search lights (all the first year)	80,522

MONTGOMERY SICARD,
Chief of Bureau.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1443.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1885.—Ordered to be printed.

Mr. SEWELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany S. Res. 133.]

The Committee on Military Affairs, to whom was referred the following communication from the President, with the accompanying letter from the Secretary of State, have considered the same, and respectfully report:

The following are the papers referred to as received by the committee from the President and Secretary of State, and which the committee beg to make a part of their report:

To the Senate and House of Representatives of the United States:

I herewith transmit a communication from the Secretary of State in regard to the desire of the Government of Corea to obtain the services of one or more officers of the United States as military instructors in that country, and recommend the adoption of a joint resolution authorizing such officers as may be conveniently spared, and who may be selected for that duty, to proceed to Corea for the purpose indicated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 30, 1885.

To the President:

It appears from a dispatch addressed to this Department by Mr. Lucius H. Foote, the accredited diplomatic representative of this Government to that of Corea, and which was received shortly after his arrival at Seoul, that the Government of Corea was extremely anxious to procure the services of an American military officer to instruct and drill its troops.

In dispatches of September 3 and 17 last, Mr. Foote again recurs to this subject, and urges the importance of our acceding to the request of His Majesty's Government as a means of strengthening our influence in that peninsular kingdom. "All expenses in coming," says Mr. Foote, "will be paid, and a fair salary, commensurate with the importance of the position, will be paid."

The subject was accordingly submitted to the Secretary of War for his consideration, with a request that if it were possible to meet the wishes of the Corean Government in the premises, the step was thought to be a wise one, and would result beneficially to the United States in many ways.

Mr. Lincoln's reply of the 24th ultimo stated that it was not unlikely that one or more competent officers could be selected for such a duty, although their absence would entail additional duties upon others, there being no provision in regard to officers of the line of the Army for replacing those absent from their proper stations; "but," observes Mr. Lincoln, "I have the honor to invite your attention to the last paragraph of section 9 of the first article of the Constitution, which provides that 'no person holding any office of profit or trust under them [the United States] shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.'"

Mr. Lincoln then alludes to the request of the Corean Government, which embraced not only the holding of an office under that Government, but the giving by it of some

emolument to the officer, and adds that, indeed, if it were otherwise it would pr ably be difficult to find an officer who would be willing to undertake the duty. before any such officer could be sent the necessary authorization of Congress m be obtained.

I therefore suggested to Mr. Lincoln, in a letter of the 12th instant, the propri of his making the required application; but at his instance I have thus brought matter to your attention, and do recommend that Congress be requested to grant necessary permission to one or more officers of the United States Army to proceed Corea and take temporary service under the Government of that country as her indicated.

I am persuaded that such a step will be especially gratifying to that Governm and increase the friendly feeling toward the United States which animates the G ernment of Corea.

Respectfully submitted.

FRED'K T. FRELINGHUYSEN

DEPARTMENT OF STATE,
Washington, January 29, 1885.

For the reasons set forth by the Secretary of State, the commit report the accompanying joint resolution, authorizing the President grant permission to one or more officers of the Army to accept tem rary service under the Government of Corea, for the purposes indica in the foregoing communication of the honorable Secretary, and rec mend the passage of the joint resolution.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1444.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2528.]

The Committee on Pensions, to whom was referred the bill (S. 2528) for the relief of James McKinley, having examined the same, report as follows:

This soldier was a first lieutenant in Company K, One hundred and ninety-fifth Pennsylvania Volunteers, having enlisted for one hundred days. He claimed a pension on the ground that while on scout duty in West Virginia about October, 1864, he received a fracture of the inside bone of the right leg. His claim has been rejected because there was no record evidence of his alleged disability, and he has been unable to furnish any testimony connecting his injury with the service, except the affidavit of one soldier in his company, who testifies that claimant was injured as claimed.

He has been unable to furnish medical or other testimony showing the existence of his disability immediately after discharge; and on the papers submitted your committee would not feel warranted in acting favorably on the case. We therefore recommend that the bill be indefinitely postponed.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1445.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2607.]

The Committee on Pensions, to whom was referred the bill (S. 2607) granting a pension to Mary B. Holmes, having examined the same, report as follows:

Petitioner is the widow of John W. Holmes, late lieutenant Company F, Seventy-second Regiment New York Volunteers, who was pensioned at the rate of $15 per month on account of disability incurred in the service and resulting from disease of the eyes and chronic diarrhea. Her husband was killed by a freight train in New York City in 1881, and his widow is now destitute. She asks a pension on the ground that the accident which caused his death was the result of his defective vision and not of his own carelessness or neglect. The soldier's death, under these circumstances, did not, of course, result directly from his military service, but does seem to have been due to the disability incurred in the service, and to that extent was a result thereof.

Taking this view of the case, your committee are disposed to regard the claim as a meritorious one, and therefore recommend the passage of the bill.

O

48TH CONGRESS, 2d Session. } SENATE { REPORT No. 1446.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2665.]

The Committee on Pensions, to whom was referred petition of Ann Atkinson, asking an increase of pension to her as former widow of Hopeful Toler, examined the same, and report, recommending increase of her present pension of $8 to $16 per month.

Mrs. Atkinson is a granddaughter of George Mason, of Virginia, very old and very poor, and this is not enough really for her needs.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1447.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2662.]

The Committee on Pensions, to whom was referred the bill (S. 2662) granting an increase of pension to Ellen W. Thornton, widow of Capt. James S. Thornton, have examined the same, and report, recommending passage of the same upon the ground of her physical condition, which is such that an even larger pension would be given to a private soldier under the same circumstances, she being afflicted with paralysis. We print her memorial presented to the Forty-seventh Congress. Her condition is now worse.

To the Senate and House of Representatives of the United States of America, in Congress assembled:

Respectfully represents your petitioner that she is the widow of the late Capt. James S. Thornton, of the United States Navy, deceased; that she has long been an invalid; that she is unable to walk without assistance, and that her malady, which is in the nature of paralysis, is increasing; that on account of her extreme ill health she has resided at St. Michael (Azores) for the past five years; that she is now in receipt of a pension of $30 per month on account of her said husband, and that he left a very small property, the income of which, together with her said pension, is insufficient for her support, even with the strictest economy, in her present helpless condition.

Wherefore she prays that her said pension may be increased from $30 to $50 a month.

ELLEN W. THORNTON.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1448.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1811.]

The Committee on Pensions, to whom was referred the bill (S. 1811) granting a pension to Anne T. Dicks, have examined the same, and report favorably, recommending its passage.

The claimant is the widow of John W. Dicks, acting master, United States Navy. The officer died of cancer, superinduced by wounds and injuries received in the service. The evidence is clear to the committee that the constitution of the man was broken down, and the entire digestive system prostrated and deprived of normal action by these causes, and that the fatal cancerous affection was a part of the results of the service.

O

48TH CONGRESS, 2d Session. } SENTAE. { REPORT No. 1449.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions submitted the following

REPORT:

[To accompany bill S. 2654.]

The Committee on Pensions, to whom was referred the bill (S. 2654) granting a pension to Charles F. Hildreth, have examined the same, and report, recommending the passage of the same.

The evidence is conflicting, but satisfies the committee that the injury received in the service was the real cause of the hernia, although it was not fully developed until a short time afterwards, during which the discharge from the service took place.

The pensioner is a person of high character, and there does not seem to be any good reason to doubt the validity of his claim.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1450.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2448.]

The Committee on Pensions, to whom was referred the bill (S. 2448) granting restoration of pension to Sally C. Mulligan, have examined the same, and report, recommending the passage of the bill.

The bill provides payment of the pension not drawn from the 4th day of September, 1873, to the 11th day of May, 1882, during which her name was off the roll.

The facts are in her petition as below:

To the Congress of the United States of America in Senate and House of Representatives, assembled:

Your petitioner, Sally C. Mulligan, residing in the city of Buffalo, county of Erie, and State of New York, respectfully represents—

That she was born in the village of Canandaigua, Ontario County, New York, and will be seventy years of age on the ninth day of March next, having always resided in said State.

That she is now, and has been since May, 1855, the widow of Henry S. Mulligan, formerly of said city, who was a native-born citizen of said State.

That she is the mother of James Strong Mulligan and Greig Howell Mulligan, both of whom sacrificed their lives as volunteer soldiers for the protection and preservation of the Constitution and Union of the United States, she being at the time of such sacrifice a widow, having three other minor children, in part dependent upon her for support.

That her said son James S. Mulligan was mortally wounded in the second battle of Bull Run on the 30th day of August, 1862, then in command as first-lieutenant Company I, Twenty-first Regiment, New York Volunteers, and, lingering of said wound, died at her house in said city on the 10th day of June, 1863, then being in the twenty-second year of his age. Your petitioner then being, in part, dependent upon her said son, who was her eldest child, for support.

That her second child, said Greig Howell Mulligan, died of yellow fever at Key West, Fla., on the 20th day of August, 1862, then being second lieutenant Company A, Ninetieth Regiment, New York State Volunteers, and being in the twentieth year of his age; your petitioner then being, in part, dependent upon her said son for support, and receiving a pension through him until the death of her eldest son.

Your petitioner further respectfully represents that she is now in embarrassed pecuniary circumstances and in very feeble health. Your petitioner further respectfully represents that in September, 1863, her name was placed on the pension list, and she received as such widow and mother of said James S. Mulligan a pension of $17 per month, which was paid to her until the 4th day of September, 1873, when her name was struck off of said list, by reason of certain statements and representations as to her means of support, which, as your petitioner humbly and respectfully, without intending disrespect to or reproach against the Pension Department, states were without foundation, in truth and fact.

And your petitioner further respectfully represents that on the eleventh day of May, 1882, by an act of Congress that day approved by the President, her name was placed on the pension list, but provision in said act was neglected to be inserted for

payment to her of said pension from the said 4th day of September, 1873. Your petitioner therefore humbly, respectfully, yet earnestly prays, in view of the whole matter aforesaid, that an act of Congress in her behalf may be passed directing that the sum of $1,771.97 be paid to her by the proper authority for arrearages of pension money due her from the said 4th day of September, 1873, to the time of the act of restoration, May 11, 1882. And your petitioner, as in duty bound, will ever pray, &c.

Buffalo, N. Y., December 9, 1884.

SALLY C. MULLIGAN.

NORTHERN DISTRICT OF NEW YORK,
Erie County, ss:

Sally C. Mulligan, being duly sworn, deposes and says that the facts and circumstances, as stated in the foregoing petition signed by her, are true.

SALLY C. MULLIGAN.

NORTHERN DISTRICT OF NEW YORK,
City of Buffalo, ss:

I certify that Sally C. Mulligan, to me personally known, appeared before me and signed the foregoing petition, and subscribed and took the foregoing oath.

In witness whereof I have hereunto affixed my seal and subscribed my name officially, this 9th day of December, 1884.

[SEAL.] JOSEPH L. FAIRCHILD,
United States Commissioner, Northern District of New York.

[House Report No. 2200, Forty-eighth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7727) for the relief of Sally C. Mulligan, having had the same under consideration, make the following report:

The petitioner asks Congress to pass a special act authorizing the payment to her of a sum of money, which she claims is due from the time her pension was discontinued by the Pension Office to the time she was restored to the rolls by act of Congress. Upon examination of the evidence in the case the committee are not fully convinced that the Pension Office was in error in its action, but if it was, then the act which restored her to the rolls should have been retroactive, and given her relief from the time she was dropped from the roll.

The committee do not feel justified in approving the terms of the bill, and therefore ask to be discharged from its consideration, and recommend that it lie on the table.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1451.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2359.]

The Committee on Pensions, to whom was referred the bill (S. 2359) granting increase of pension to M. Louise Butler, widow of Maj. George Butler, late United States Marine Corps, have examined the same, and report, recommending its passage with an amendment substituting $40 per month for $50.

Mrs. Butler is drawing pension at $20 per month, and $2 per month for each of three small children. She is entitled by law to $25 per month, and there has been a mistake by the Pension Office in rating. She is a feeble woman and very poor, and with her three children to support, is left in great distress. The committee recommend $40 per month in lieu of all she now receives for herself and three children.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1452.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2620.]

The Committee on Pensions, to whom was referred the bill (S. 2620) granting a pension to Thomas H. Boaz, having considered the same, respectfully report as follows:

The claimant, Thomas H. Boaz, was a private in Company H, Second Ohio Heavy Artillery. He was enrolled on the 12th of August, 1863, for three years, and was discharged August 29, 1865, to date August 23, 1865. He filed his application for pension on August 7, 1882, alleging disabilities by reason of being injured by the cars in the small of his back, shoulder, and left thigh, and for rheumatism, all incurred in the service on or about July 5, 1865, at Claysville, in the State of Ohio. The records of the Surgeon-General's Office show treatment of the claimant at the General Hospital, Camp Dennison, Ohio, in August, 1865, for the injuries which the claimant alleges, and that he was returned to duty August 28, 1865. This was evidently only for the purpose of being discharged. The testimony in the case proves conclusively that at date of enlistment the soldier was a stout, able-bodied man, free from any and all of the alleged ailments. That he continued to do regular service with his company until about the last of June, 1865, when he was granted a furlough for twenty days; cause not stated. That on the 5th of July, at Claysville, in the State of Ohio, he was injured by the cars in the manner stated. The testimony of one witness who rendered him assistance at the time of the injury and of the physician who treated him at the time being on file. There is ample testimony also showing that from the time of his discharge the soldier suffered more or less from rheumatism, which has continued and increased in severity until, by the examining surgeon's certificate, claimant is shown to be totally disabled and helpless, and that he had to be brought into the office to be examined, and he pronounces the disease sciatica, with paralysis of the lower limbs.

Your committee are of the opinion that this is a meritorious case, and calls for immediate relief, and therefore return the bill with the recommendation that it do pass.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1453.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2546.]

The Committee on Pensions, to whom was referred the bill (S. 2546) granting a pension to Charlotte C. B. Hatch, have examined the same, and report:

That claimant is the widow of late Edwin A. C. Hatch, major Independent Batallion, Minnesota Cavalry, regularly mustered into the United States service, who was discharged July 7, 1864, on surgeon's certificate of disability. He was a sound, healthy man when he entered the service, and became disabled in the service, and had a continuing disability until his death. While the cause of death was reported as cholera morbus, still his health had been so much impaired and constitution broken by disabilities contracted by exposure and hardships in the Territory of Dakota, that he was not, by reason of such service, so able to withstand diseases which could be done by a healthy and sound man.

Your committee recommend passage of bill.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1454.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2619.]

Your Committee on Pensions, to whom was referred the bill (S. 2619) granting a pension to Martha Hughes, having considered the same, respectfully report as follows:

The claimant is the widow of John Hughes, late a corporal in Company E, Seventeenth Wisconsin Infantry Volunteers. As shown by the report of the Adjutant-General, the soldier enlisted on December, 23, 1861, for three years, and was discharged at Corinth, Miss., on July 10, 1862; cause not stated. The regimental hospital records are not on file, and there are no records of the regiment in the office of the Surgeon-General. It is shown by the testimony on file that the soldier was a stout, able-bodied man at the time of enlistment, and that when he was discharged from the Army he was suffering with chronic diarrhea, which incapacitated him for manual labor, and continued to the time of his death. The soldier made application on account of disability from chronic diarrhea, contracted near Shiloh, Tenn., in April, 1862, and states that he was treated in regimental hospital for said disease, and it is reasonable to suppose that this was the cause of his discharge, although the records are silent. His application for pension was filed October 1, 1881, but he died on the 4th of July, 1882, before the claim was finally proven up to the satisfaction of the Pension Office. The attending physician testifies that the death was the result of chronic diarrhea and tuberculous consumption, and states his belief that the diarrhea was the cause of the disease of the lungs. The widow (claimant herein) then made application for a pension in her own right, which was filed on August 2, 1882, but for reasons unknown to your committee it has not been allowed.

Your committee think that the evidence in the case is sufficient to prove the incurrence of the disease in the service from which the soldier died, and we therefore report the bill back with the recommendation that it do pass.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1455.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1308.]

The Committee on Pensions, to whom was referred the bill (S. 1308) granting arrears of pension to the widow of Milton Searle, have examined the same, and report:

That the present bill proposes simply to give arrears to the widow from June 29, 1865, to March 11, 1872, the date from which her pension certificate has been paid. It is believed your committee have uniformly reported against the granting of arrears of this character by special act, and they therefore report the bill with a recommendation that it be indefinitely postponed.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1456.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 993.]

The Committee on Pensions, having under consideration the bill (S. 993) granting relief to Maria G. Dunbar, having carefully considered the same, report the said bill favorably with the following amendment: Insert in line 8, after the words "arrears was," the words "properly executed;" and recommend the passage of the bill so amended.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1457.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2975.]

The Committee on Pensions, to whom was referred the bill (H. R. 2975) granting a pension to Marion D. Egbert, respectfully report:

That we find the facts in this case set forth in the report of the House Committee on Invalid Pensions, and we adopt the report and favorable recommendation of that committee as our report and recommendation, as follows:

Marion D. Egbert was a corporal in Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, and in service in September, 1863, at Cumberland Gap. He was detailed to act as ordnance sergeant. One day in the latter part of November, 1863, while he and the men working under his orders were sunning the ammunition in the magazine, a comrade lit a port-fire, which communicated with damp powder on the ground, and would in a moment have produced a fatal explosion of a large amount of cannon ammunition. Egbert, seeing the danger, and that he could not flee from the explosion, threw himself across the line of burning powder and broke the trail, thus preventing the explosion. The fire burnt his blouse and pants quite severely, and the fright, shock, and fire produced a partial deafness, loss of sight, and paralysis in the left side.

The Pension Office required proof of the soldier's condition from a surgeon and two comrades. These Egbert frankly states he cannot furnish, because, as the ill effects of the fright and burning did not culminate at once, he was not treated in hospital, and because those present when the accident occurred were men detailed from a Tennessee regiment, whose names he did not know and does not now know. But he does prove by a comrade that he saw him a few days after the explosion suffering severely. He proves by many of his acquaintances that he was sound prior to his going into the service, and has not been sound since. He proves a good character as a man, and his physician testifies that he has been attending him off and on since 1864 for partial paralysis of his tongue and left side.

We are satisfied of the merits of this case, although it falls short of the degree and character of testimony required at the Pension Office. We recommend the passage of the bill.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1458.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 200.]

The Committee on Pensions, to whom was referred the bill (H. R. 200) granting a pension to Thomas Jeffries, respectfully submit the following report:

We find that the report of the House committee fully and very accurately reviews the testimony submitted in this case, and therefore adopt it as our report, as follows:

Thomas Jeffries enlisted in the military service of the United States as a private in Company C, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, September 4, 1862, and was honorably discharged July 12, 1865, for gunshot wound received at Duval's Bluff, Ark.

May 19, 1866, he filed an application for pension on the ground of disability resulting from gunshot wound received in line of duty in the military service of the United States at Duval's Bluff, Ark., July 11, 1864, which was rejected on the ground that he was not in the line of his duty as a soldier at the time of receiving the injury on which his claim was grounded.

Francis M. Waggoner testifies, August 15, 1868:

"That he was orderly sergeant of Company E, One hundred and twenty-sixth Regiment Illinois Volunteers, and that he is well and intimately acquainted with Thomas Jeffries, who was a private in Company C, One hundred and twenty-sixth Regiment Illinois Volunteers; that on or about July 11, 1864, the said Thomas Jeffries, while in the line of his duty as a soldier, and going to a spring for water, was shot by somebody concealed, the ball taking effect just below the ribs on the left side, and lodging in the left leg, thereby disabling him; that the soldier, at the time of receiving said injury, was just in the edge of the camp, and inside the picket lines, and the spring to which he was going after water was also inside the picket lines, and the place where the whole camp procured water, and where all the soldiers had premission to go. This was at Duval's Bluff, Ark. Affiant further says that at said time he was in command of said company, there being no commissioned officer except Lieutenant McPheeters, who was absent at Little Rock, Ark., at the time; and he further swears that there is no commissioned officer or surgeon who knows the facts connected with the wounding of said Thomas Jeffries."

Hezekiah Collier testifies, August 17, 1878:

"That he was a private in Company C, One hundred and twenty-sixth Regiment Illinois Volunteers, and that he is well acquainted with Thomas Jeffries, who was also a private in said company and regiment; that on or about the 11th day of July, 1864, at Duval's Bluff, Ark., the said Thomas Jeffries, while in the line of his duty as a soldier, while going after water to a spring near the edge of camp, and inside the picket lines, was shot by some concealed person, the ball taking effect just below the ribs on the left side, and lodging in the left leg; that he was with the said soldier at the time he was shot; that at the time the said Jeffries was wounded Francis M. Waggoner, orderly sergeant of said company, was in command of the same, there being no commissioned officer of said Company C at that time, except Rankin McPheeters, first lieutenant, and he was absent at Little Rock at the time, and that there is no commissioned officer or surgeon who knows the facts connected with the wounding of the said Thomas Jeffries."

Daniel G. Lindsay testifies, February 6, 1880:

"That he was a sergeant in Company C, One hundred and twenty-sixth Re Illinois Volunteers, and is well acquainted with Thomas Jeffries, and well rem the circumstances of the said Jeffries receiving a gunshot wound in the United service, near Duval's Bluff, Ark., and knows of his own knowledge that F. M goner, who was a sergeant at the time, was in command of said Company C; P. McPheeters, the only commissioned officer of the company, was absent a Rock; that said Thomas Jeffries was an orderly, well-behaved soldier, who ne camp without permission of a superior officer."

In a certificate of disability for the discharge of the soldier, R. P. McPheete captain of Company E, One hundred and twenty-sixth Regiment Illinois Vol certifies that the soldier was not in the line of his duty at the time of receiv disability for which he was discharged, and in a letter, in answer to an inqui the Commissioner of Pensions, during the pending of the soldier's claim for in the Pension Office, he says Jeffries was shot by a bushwhacker while out l with two comrades 2 miles from camp; and that Jeffries admitted to him that out without leave at the time of being disabled.

Thomas Jeffries, claimant, testifies, March 28, 1867:

"That while in the military service of the United States, and in the line of h at Duval's Bluff, Ark., on the 11th day of July, 1864, he was shot by a bushw while on duty, as above stated, the ball penetrating the left hip and passin through the groin, and causing continued pain from the time of receiving said that the disability is such from the said wound that he has lost the use of his l and his left side has become paralyzed."

V. R. Bridges, surgeon One hundred and twenty-sixth Regiment Illinois Vol in a certificate of disability for the discharge of the said Thomas Jeffries, May 2 says:

"I hereby certify that I have carefully examined the said Thomas Jeffries, a him incapable of performing the duty of a soldier, because of a gunshot wo ceived in July last; ball entered the left lumbar region, passed beneath the e oblique muscles, and lodged within the pelvis; could not be extracted, and l duced partial paralysis of left leg. He is unfit for Veteran Reserve Corps. of disability, one-half."

February 27, 1866, S. W. Lucas and A. T. Marshall, who are shown by the ce of the county clerk of Moultrie County, Illinois, to be reputable physicians a geons, say that—

"The said Thomas Jeffries is disabled by a gunshot wound entering the lef the abdomen and passing obliquely down the groin, and lodging in the 'grute imus' muscle near the point of the ischieum bone, producing paralysis of th extremity, commencing from the femur joint to the entire extremity of the li companied with wasting or sweeny of all the muscles of the limb. And he is not only incapacitated for military duty, but, in our opinion, is totally disabl obtaining a subsistence by manual labor.

We have carefully examined the evidence in this case, the credibility of t nesses, so far as it is disclosed in the papers, and their means of knowing the which they testify, and weighing the testimony by the rules of reconciling co evidence, find that the soldier was disabled by a wound received while in the a service of the United States; and an overwhelming preponderance of the e justifies the conclusion that he was in the line of his duty at the time of receiv disability for which he was discharged, and from which he has been disabl since, and from which at this time he is incapacitated for the performance of labor. Your committee therefore recommend the passage of the accompany

After carefully considering all the testimony in this case, we h hesitation in reporting favorably upon it, and we therefore recor the passage of the accompanying bill.

THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1866.]

ittee on Pensions, to whom was referred the bill (H. R. g a pension to Calvin L. Knick, respectfully submit the House Committee on Invalid Pensions as their report in follows:

sted May 26, 1864, and was mustered into service as a private in Com- ndred and forty-fifth Illinois Volunteers, June 9, 1864; discharged 864.

at he enlisted for, and was in the service, one hundred days, fifty-two pent in hospital. He filed his declaration July 30, 1875, alleging lung ed on the march from Springfield to Rolla, Mo., in July, 1864. Re- 1878, upon the ground of no record, and inability to furnish satisfac- onnecting alleged disability with the service.

. West (of claimant's company) testifies to claimant's having con- of lungs while on the march from Springfield to Rolla, Mo., June imant alleges). Affidavit filed August 15, 1876. Captain West fur- substance as above set forth. Affidavit filed February 4, 1878.

and J. L. Boucher, residents of Mackinaw, Ill., well known to be ntitled to credit, state January 19, 1878, that they have been well and ainted with claimant ever since he returned from the Army; lived now from personal knowledge that he came home from the Army with d that he has been a sufferer therefrom ever since.

Parker, who has been a practicing physician for over thirty years, 1, 1879, residence Danvers Township, Ill., commenced treatment for tober 6, 1870, and continued ever since; also, claimant was treated ician before that time.

er, residence same, states August 25, 1880, treated claimant for disease ry, 1880, and since, but not regularly.

rhurst states, February 26, 1881, that claimant has lung disease; no

arkhurst, a resident of Danvers, Ill., states, October 27, 1882, treat- isease frequently from discharge to date.

resident of Danvers, Ill., states, January 8, 1883, claimant came home 1864; lived with affiant for one year after, and had lung trouble. he arrived home, went immediately to the doctor, saying his lungs

h, comrade, a resident of Clinton, Ill., corroborates claimant's state- n; also since discharge only able to work a small part of the time.

dge, Danvers, Ill., testifies to lung disease ever since discharge. Affi- 5, 1883.

Payne, a resident of Lexington, Ill., states, August 28, 1883, that was on a visit to his father's (claimant's) in August, 1864, he (affiant) sionally to treat claimant and found lung disease. Treated him about

Dr. W. E. Schenck, United States examining surgeon at Pekin, Ill., examined claimant September 6, 1875, and reported his disability, lung disease, as entitling him to total pension or $8 per month.

Drs. W. B. Cole and H. C. Luce, examining board at Bloomington, Ill., examined claimant July 19, 1882, and reported his disability, lung disease, as entitling him to total pension, or $8 per month.

The testimony has satisfied the committee that this claim is a just and meritorious one, and they accordingly recommend the passage of the accompanying bill.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1460.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6357.]

The Committee on Pensions, to whom was referred the bill (H. R. 6357) granting a pension to Christian Bauman, beg leave to submit the following report:

This soldier served from October 1, 1861, to January 14, 1865, and claimed pension for double hernia, caused by being kicked by a mule at Memphis, Tenn., July 4, 1862, in the line of duty. The claim was rejected on the ground that there was no record of the disability, and that claimant had failed to furnish satisfactory evidence of the alleged disability in the service and at the date of discharge.

Joseph Ingleman and Bernard Depper, both comrades in the same company with him, state under oath that "Christian Bauman was a sound and healthy man at the time of his enlistment, and that on the 4th day of July, 1862, while harnessing one of the mules for duty at Memphis, Tenn., he was kicked in the lower part of the abdomen, causing a double hernia, from which he has always been disabled."

Joseph Distar, captain of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, makes affidavit that claimant was a sound man in good health and free from rupture at the time of his enlistment, and on the 4th of July, 1862, was kicked by a mule in the lower part of his bowels, and says he was present at the time of the accident, and saw the mule kick him. Bauman came back to the regiment, but was not able to do work after he was injured as stated.

The claimant makes affidavit that he is unable to furnish medical testimony showing the existence of double rupture at date of discharge, owing to his own thoughtlessness and that of the regimental doctor at the date of discharge. Joseph Engleman and George Gromlich both swear they have known the claimant ever since his discharge, and that he has always been sadly disabled by double rupture.

The muster-rolls show the claimant to have been absent on sick leave from July to October 12, 1862, after which he is reported present with his company until the date of his discharge.

Three comrades of the same company of which he was a member having testified to the existence of the disability as stated in his petition, the captain of the same company testifying to having been an eye-witness of the accident, the examining surgeons making the statement that double hernia exists in complicated form, and has to be protected continually by a truss, your committee unhesitatingly recommend the passage of the bill.

NGRESS, } SENATE. { REPORT
ssion. } { No. 1461.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

LOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8189.]

mittee on Pensions, to whom was referred the bill (H. R. 8189) ng a pension to Mrs. F. M. Norton, have examined the same, and :

he facts in this case are stated in the report of the House Com- n Invalid Pensions (House Report No. 2570), as follows:

l that Mrs. F. M. Norton, is the widow of James H. Norton, who enlisted 861, in Company F, Seventieth Regiment New York Volunteers, and was l on the 30th day of December, 1863. On the same day he re-enlisted in G, Eighty-sixth Regiment New York Volunteers, and was discharged June He died at Danville, Ill., September 29, 1881, of consumption, caused, as is y the exposures and hardships of army life.

Wallace testifies—

he personally knew James H. Norton, of Company G, Eighty-sixth Regi- York Volunteers; knew him as well as I did my own officers; saw him fre- saw him at Washington Heights waiting for his discharge; could hardly he was saying; he complained of cold and coughed hard; I think he said go to the hospital, but thought he could stick it out until he got home; I ly surprised to find him again at Danville, Ill., from 1870 to 1875; always ng he had consumption, I am satisfied, brought on by cold and hardship in "

'. Norton testifies:

well acquainted with James H. Norton, who was a member of Company G, xth New York Volunteers, and I remember well that on or about the 15th of 5, while on the march from Richmond, Va., to Washington, the said Norton ie, and was at the time suffering very badly with a cold, which he then told l just contracted. He was so badly off that it was with difficulty that he ik so that I could understand him. I next saw him in camp near Washing- efore we were discharged. He was still suffering with cold, and complained pain in his chest and lungs, and I then thought it doubtful if he would ever om the effects of that cold."

liam A. Brown testifies:

saw James H. Norton in 1865, and treated him for disease of the lungs. I m off and on, more or less, for several years for said affection. * * * I saw ıently after I discontinued his treatment. He seemed to grow more and le and emaciated, and I believe he died from pulmonary tuberculosis."

I. Barton testifies:

prescribed for him occasionally from 1866 to time of his death. Weak lungs ıchitis; has been most of the time one-half disabled from manual labor; ıst of his sickness totally disabled; average loss of time since I knew him, -half up to last year of his sickness, when he was totally disabled till death. f consumption."

ısion Office asks for evidence of a commissioned officer showing origin in ıd also evidence of the regimental surgeon as to his treatment for the dis- ; in the service. The widow is unable to obtain either. One of the regi- rgeons says he cannot remember the case; another says he was on detached

service for several months before the regiment was mustered out. The wi
proven that her husband was sick at the time of his discharge, suffering fr
cough and weak lungs; that immediately after his discharge he received
treatment for the same disease, and that this treatment continued from t
until his death; that he died of consumption. This soldier served his count
fully in many trying campaigns for four years. It can be assumed from
service that he was in good health when he entered the service. That he
when he was mustered out and never recovered his health is clearly prov
conclusion is irresistible that he lost his health in the military service.

Your committee recommend the passage of the bill.

Mr. Cannon, of the House of Representatives, states that he
personally about this case; knew the soldier in his life-time, a
principal witnesses, who are of good character; and that fro
statements, corroborated by his own observation, he has no do
husband of Mrs. Norton died of consumption, the seeds of whi
planted in his system in the service. The widow is very old, a
poor.

In view of all the facts, your committee recommend the pas
the bill.

C

ONGRESS, } SENATE. { REPORT
'ession. } { No. 1462.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

LLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7718.]

mmittee on Pensions, to whom was referred the bill (H. R. 7718) ing a pension to John Snyder, having considered the same, report as ows:

wing is the statement of this case made by the House Commit- Invalid Pensions:

an application for restoration to the pension-roll. John Snyder enlisted in hundred and twenty-ninth Indiana Infantry, Company I, January 8, 1864, discharged September 12 of the same year, on account of permanent disa- He applied for and received a pension for a period of four or five years, when ropped from the rolls on the grounds that disability was not the result of his service while in line of duty.

idence in this case is very voluminous. There are two questions in the case— prior soundness and line of duty. Neither of these questions was raised on ication for pension, but, on information received by the Department four er granting the pension, two special examinations were had, the first to e question of prior soundness, which was practically settled in favor of claim- the second, as to line of duty, resulted adverse, and he was dropped from ion-roll.

ears that this soldier, while with his regiment, at Michigan City, Ind., was leave of absence to visit his family, in Noble County, in that State; that on n to his regiment, some time in March of that year, while on the cars of the Southern Railway, there was an accident near Salem Crossing, about 5 m Michigan City, whereby he was thrown violently against the stove, in- s back, which has resulted in making him a cripple for life.

nt to the front with his regiment in April, 1864, but being unfit for duty, ted in various hospitals till final discharge, September 12, 1864, for perma- ability—injury to the spine. The special examination to determine the ques- oundness prior to enlistment, though resulting in favor of claimant, disclosed that the regimental records did not show that leave of absence on account ss was granted the soldier, so that, under the rule of the office, said soldier in the line of duty when this disability was incurred, being absent on private As a matter of fact, no record was kept, or kept in such a negligent way hing relating to said furlough appeared. The claimant avers under oath was home on sick leave, having contracted a bad cold in camp, clearly in uty.

dgment of this committee on the question of requiring the claimant to fur- ofs of prior soundness after having been examined and accepted by the Gov- is well known, so that if any doubt remained as to this case it should be set- avor of claimant. And on the second point, that of line of duty, it is held, in decision by Judge Joslyn, that a soldier returning to his regiment from fur- her than a sick or veteran is in line of duty. So that in either case this sol- n the judgment of your committee, justly entitled to the relief prayed for. mittee therefore recommend that the bill be amended by striking out, in the ne, the words "place on" and insert "restore to," and to amend the title in ce; and that the bill so amended do pass.

er the circumstances recited, we believe Snyder should be restored oll, and we therefore recommend the passage of the accompany-

TH CONGRESS, } SENATE. { REPORT
2d Session. } { No. 1463.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Ir. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7485.]

The Committee on Pensions, to whom was referred the bill (H. R. 7485) granting a pension to Alexander Weide, having examined the same, submit the following report:

Your committee ask leave to adopt as its report in this case the report and favorable recommendation of the House Committee on Invalid Pensions, which we find to be fully sustained by the evidence on file, as follows:

That Captain Weide is shown upon the records of the War Department to have ntered the service as captain of Company F, "Frémont Hussars," subsequently Company L, Fourth Missouri Cavalry, August 25, 1861, and resigned on the 20th of November, 1861, and resignation accepted.

It also appears by said records that he again entered the service May 23, 1862, at Franklin, Va., as captain Company C, Third West Virginia Cavalry; is borne on the rolls of said company for May and June, 1862, and signs same as captain commanding said company.

The report of the Adjutant-General further states:

"There are no returns of Second Brigade, Third Division, 1st A. C., Army of Virginia, on file, and only record of his service is in report of battles of Groveton and Bull Run 2d, wherein Captain Weide is mentioned as a member of Colonel Krzyanowski's staff, who was commanding the above brigade.

"He was paid for his services as captain Third West Virginia Cavalry from May 23, 1862, to September 10, 1862, on the order of the President. There was a vacancy May 18, 1862, for a captain in Company C, Third West Virginia Cavalry."

It further appears from the following communications, the originals of which are on file, that Captain Weide served under Schurz and Sigel with great gallantry from May 23, 1862, to September, 1862.

HEADQUARTERS THIRD DIVISION, SECOND CORPS,
Fairfax C. H., Sept. 30, 1862.

This is to certify that Capt. Alexander Weide has served under my command since June 17 until the 7th of August, as captain of a cavalry company, and since that day until the present date as an aide-de-camp, and that he has on all occasions shown great zeal, bravery, and efficiency.

C. SCHURZ,
Brigadier-General, Commanding Division.

I heartily concur in the above.

F. SIGEL,
Major-General, Commanding Second Corps.

WASHINGTON, *September* 1, 1862.

This is to certify that Capt. Alexander Weide served under my command from May 23, 1862, until June 17, 1862, as captain of a cavalry company in my brigade, and was in all the actions at Strasburg, Harrisonburg, and Cross Keys, where he served with great credit and gallantry.

G. CLUSERET.
Acting Brigadier-General.
By CAPT. CHAS. W. DIETRICH,
Acting Assistant Adjutant-General.

It also appears that he was disabled in the second battle of Bull Run, August 30, 1862, in executing the orders of his commanding officer, by jumping his horse across a wide ditch, which produced hernia.

That he was compelled to dismount and proceed on foot, so severe was the injury.

That by direction of his commanding officer he immediately proceeded to Washington, to go into hospital, but on his arrival was discharged and paid in full to the 10th September, 1862, by order of President Lincoln, and he proceeded to his home in Chicago, where he has resided ever since. He claims that the paymaster who paid him stated that he would forward his certificate of discharge to him but did not receive it.

The proofs of his injury are conclusive, and he has been incapacitated for hard work, and for several years last past has been totally disabled and is absolutely destitute.

The claim was not rejected by the Department, but is stated to be inadmissible, from the fact that he has not been furnished with a discharge from the service.

He is shown by the record as a gallant soldier; was paid in full to September, 1862, by order of the President; there is no charge of desertion against him, and no unfavorable comment; but the record does not show that he was discharged.

The records of the Pension Office show that he was in robust health when he entered the service; that he has been disabled ever since his discharge, and was rated by the examining board as at one-half disability, though it is now claimed that he is totally disabled and absolutely destitute.

From an examination of all the facts in the case, your committee are satisfied that Captain Weide was regularly in the service, and served with great credit; that he was disabled while in the line of duty on the battle-field, and that the loss of a discharge, or that whether he was formally discharged or not—no charge of desertion and no unfavorable record standing against him—should not deprive him of the benefits of the pension laws.

The committee therefore report back said bill, and recommend that it do pass.

ONGRESS, } SENATE. { REPORT
lession. } { No. 1464.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

LSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8069.]

nmittee on Pensions, to whom was referred the bill (H. R. 8069) ing a pension to Catharine Hilton, has examined the same, and re- :

the committee concur in the report made to the House of Rep- tives by its Committee on Invalid Pensions, and which is here as follows, viz:

ittee on Invalid Pensions, to whom was referred the bill (H. R. 8069) granting a pension to Catharine Hilton, beg leave to report:

ıe proof in the case shows that prior to 1861 Mrs. Catharine Hilton was ɔd by her husband, and that Calvin Hilton, her son, being the oldest of her ren, and about sixteen years of age, was her support, she being very poor. uring the year 1861 Calvin Hilton left his home in Harlan County, Kentucky, ny with some of his neighbors, to enlist in the Federal Army; that for : months he was treated as an enlisted soldier at London, Ky., and Lexing-

gh the name of Calvin Hilton does not appear on the rolls of Company I, ourth Kentucky Infantry Volunteers, the proof is conclusive that the soldier n Company I, Twenty-fourth Regiment Kentucky Infantry Volunteers about r 31, 1861, and that he died in hospital February 4, 1862. The proof shows, ore, that his mother, Catharine Hilton, was dependent upon him for a support, she has never remarried; and the committee recommend the passage of the

it is that no record exists in the War Department attesting the ıt the said Calvin Hilton was in the military service is not ex- . That he was a soldier in the company and regiment named ı to by several witnesses, who testify that they were members of ıe company with him, and know of his service and death. It is rue that he was in the service, as claimed, or there has been a perjury indulged in in this case. The latter alternative is not resumed, and is not by the committee. The fact that the said Hilton was in the service seems to be well sustained by the testi- nd the fact that he died in the service of disease contracted in well established as his presence in the service.

ıill is accordingly reported to the Senate with the recommenda- ıt it do pass.

C

TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1465.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

r. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7434.]

he Committee on Pensions, to whom was referred the bill (H. R. 7434) granting a pension to Sylvester Greenough, has examined the same, and reports:

That the statement of this case as presented by the report of the Committee on Invalid Pensions of the House of Representatives is amply upported by the record and evidence in the case. The report is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7434) granting a pension to Sylvester Greenough, having considered the same, report as follows:

Sylvester Greenough, the claimant, enlisted as a private in Company E, Thirty-seventh Iowa Volunteer Infantry, on September 6, 1862, and was discharged on May 24, 1865. He is an old man of about seventy-five years of age, and alleges his disability to be "old age, and general debility caused by hardship in the service, and chronic diarrhea, which he contracted in the war of the rebellion, near Alton, Ill., in the line of duty." The record also shows prior service of the claimant in Company K, Fourth United States Infantry, in the Florida war, and also in Company H, Fourth United States Infantry, in the Mexican war, making altogether over fuorteen years' service for his country. He alleges that hardships in the service have broken him down, and that he is entirely disabled for the performance of any manual labor, which fact is fully sustained by the certificate of the examining surgeons.

The testimony of comrades and neighbors is to the effect that the claimant was stout and hearty for years before entering the service in the war of the rebellion, and fully corroborates the claimant's allegation of sickness from diarrhea in the service at the time and place alleged, and that he has been incapacitated for manual labor since his discharge by reason thereof.

Your committee think that the record of long and honorable service which the claimant has performed for his country, together with his age and broken-down condition, caused without doubt by the hardship he has sustained, and especially the disease which he is proven to have contracted in the service and from which he is still suffering, and the absolute necessity for speedy relief, if it is to be given at all, present a strong case for the favorable consideration of the Government which he has so faithfully served, and therefore recommend that the bill do pass.

The statement in the foregoing report that the combined terms of this old soldier's service is about fourteen years is an error. It is about eighteen years. The regiment in which he served during the war of the rebellion was one composed of men over the age prescribed by the law for the exaction of military service. It was popularly known as the graybeard regiment. Its members were sturdy, patriotic men, whose offered services were accepted by the United States, and well they did their duty, as the history of that regiment attests.

The committee concurs in the report above quoted, and returns the bill to the Senate with a recommendation that it do pass.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1466.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7000.]

The Committee on Pensions, to whom was referred the bill (H. R. 7000) for the relief of Clark G. Maine, has examined the same, and reports:

That the committee concurs in the report of the Committee on Invalid Pensions of the House of Representatives, which is as follows, viz:

[House Report No. 1877, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7000) for the relief of Clark G. Maine, having considered the same, report as follows:

The basis of the petitioner's claim is that on the Weldon Railroad, Virginia, February 25, 1865, he was thrown from a horse and sustained an injury to his right shoulder and side. The committee find from the claimant's affidavit that he was injured while riding toward City Point, Va., alone, about 10 o'clock at night; that he was ordered to go by a sergeant, and thinks none of his officers knew when he started or returned; that he does not know and cannot learn the address of the sergeant who ordered him to go; that only Lieutenants Matherson and Humphrey were with the company at the time, and he is confident he saw neither of them; that Lieutenant Matherson has informed him that he cannot recollect the facts definitely enough to testify, and that he has no other means of proving the facts except by his tent-mates, Seymour Lloyd and William E. Haskell.

The testimony of these two men, Haskell and Lloyd, who were tent-mates of claimant, is substantially as follows: That about March 1, 1865, in front of Petersburg, Va., in the night-time, petitioner was sent on horseback to ascertain the cause of artillery firing in the direction of City Point; saw the next day that his face and mouth were badly bruised, and he complained of great injury to his right shoulder; stated the horse threw him, and struck or fell on him; the surgeon examined and directed him to go to the hospital, but he urged to be excused from the hospital, and was allowed to remain with the regiment. When he attempted to do anything requiring the use of his shoulder great pain was evident, and he was finally released from duty as No. 1 on the piece, and given charge of a team. His shoulder appeared to remain substantially the same until he was discharged.

James H. Graham, another comrade, testifies same as Haskell and Lloyd.

To show the continuance of the disability, Seymour Lloyd says, under oath dated December 3, 1883, that after discharge he worked for claimant frequently for several years, and also worked *with* him; that claimant could not do heavy work that required a strain on his shoulder, and in his opinion he was disabled from the performance of manual labor one-half by reason of the injury.

Elbridge G. Seymour, M. D., testifies, April 19, 1883, that claimant called on him in July, 1865, for advice and surgical treatment of right shoulder joint. On elevation of arm distinct crepitus could be felt and heard at quite a distance, crepitus being in the shoulder-joint; felt most distinctly on upper anterior surface, giving a feeling of loose cartilage. Came to affiant's office at different times, with only temporary relief.

David S. Sayles testifies, April 19, 1883, that after claimant's discharge from the Army in 1865 he was very lame in his right shoulder. Lived near and labored with, for, and

on lands adjoining claimant, the greater part of thirteen years. That during all that time claimant was lame and showed great suffering from injury to right shoulder. Thinks the labor done with the right arm for fourteen years was with great pain and suffering. Mary Lizzy Maine, who is not related to the petitioner, corroborates and indorses the affidavit of Sayles.

Benjamin F. Dump, examining surgeon, says he finds the applicant in good physical condition, except the results of a fracture of the right scapula, involving all the scapula above the spine. There is strongly-marked crepitus upon rotation or any motion of the head of the humerus. Injury said by claimant to have been caused by the fall of his horse. The action and usefulness of the shoulder greatly impaired. Fully three-fourths disability.

The claimant's service was as a private in Company E, First New York State Artillery, in which he enlisted August 31, 1864, and from which he was discharged June 16, 1865. Declaration for pension was filed June 30, 1880, and rejected on the ground of claimant's inability to furnish any satisfactory evidence that injury was received in line of duty.

The committee, however, believe the statements made, and that the claimant is justly entitled to a pension, and therefore recommend the passage of the bill.

The bill is accordingly reported to the Senate with a recommendation that it do pass.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1467.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7938.]

The Committee on Pensions, to which was referred the bill (H. R. 7938) granting a pension to Amanda Allen, has examined the same, and reports:

The report of the Committee on Invalid Pensions of the House of Representatives, made to that body, is as follows, viz':

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7938) granting a pension to Amanda Allen, having considered the same, report as follows:

The petitioner is the mother of Charles F. Allen, who enlisted August, 1862, as a private in Company B, One hundred and fifty-fourth New York Volunteers, and who died October 5, 1864, at Savannah, Ga., while a prisoner of war. The mother's application for pension was filed October 9, 1879, and rejected on the ground that the soldier, at the date of his death, left a widow surviving, who would have prior right to pension if allowed.

The claimant, in her affidavit, alleges that the soldier was never married nor left a widow or child or children. She also states in another affidavit that her son was married prior to his enlistment, but did not live amicably, and the wife remarried prior to soldier's death; that he lived with his wife scarcely a month, and that she was a woman of bad morals. It is shown also that the wife remarried or lived with another man prior to soldier's death. A witness says that in 1862, while in the service, at Chattanooga, he wrote a will for said Allen, by the terms of which he gave to his mother all his property of every kind, including all claims for back pay and demands of every nature. This affiant says he knew the wife of soldier and when he married her. After their marriage Mrs. Allen acquired a bad reputation, and it was so understood by many people. Allen told this affiant this also, and that he intended to not live with her again, and that he should get a divorce on his return home.

The husband of claimant was, for a long time prior to his death, seriously disabled, so that he could perform little, if any, manual labor.

The petitioner testifies that prior to his enlistment the soldier, her son, was her principal support, and that she was dependent upon him for her maintenance, and that he gave her from time to time while in the said service all he received as bounty or wages while in the service.

The mother is an old woman, and is very poor, and she is represented as being an honest, reputable woman, and has the respect of the community in which she lives.

As the widow of this man seems to have sought the society of another, in the capacity of a wife, and that too prior to the death of the soldier, and as the mother was dependent upon the soldier, and by his death lost her support, and is now in need of aid, the committee think it proper she should be pensioned, and recommend the passage of the bill.

This report is sustained by the record and proofs in the case, and, concurring in it, the committee reports the bill to the Senate with a recommendation that it do pass.

ONGRESS, } SENATE. { REPORT
'ession. } { No. 1468.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed

ILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7502.]

mmittee on Pensions, to which was referred the bill (H. R. 7502) ting a pension to Richard W. Barnes, has examined the same, and 'ts:

the soldier enlisted as a private in Company A, Eighth Regi- owa Volunteers, August 15, 1863, and was honorably discharged 6, 1865.

)ecember 15, 1864, at Waterloo, Ala., he received an accidental ıt wound in the right leg. For this he was granted a pension t 9, 1869, and was rated at $4 per month. July 11, 1881, the ed leg was amputated below the knee, and the soldier made ap- ɔn for increase of his pension. This application was rejected "on ɔund that the amputation of the leg was not a result of the ."

rather difficult to understand how such a conclusion was reached, re is no evidence which states any facts from which such a con- springs as a necessary result. On the contrary, the following statement of Dr. E. F. Conger, of Riverton, Iowa, leads in the :e direction. Dr. Conger says:

ı regular practicing physician of ten years' standing, and, having been duly lo on oath say that on or about July 11, 1881, I was called professionally to /. Barnes, suffering at the time from fracture of fibula and compound disloca- ibea at ankle joint. Amputation of right leg was performed at lower third ınt of said injuries. He was at the same time suffering from stiffness and s of knee-joint of same limb, and now, after recovery from said amputation, ›-joint is still weak and stiff, so as to interfere materially with using an arti- ıb.

in a subsequent statement the said Conger says:

inion is that Richard W. Barnes's amputation was due to causes originating ilitary service.

statement was made in a recent telegram to Hon. W. P. Hep- bout said case, and although this last statement was made sub- t to the action of the Pension Office in rejecting the claim for in- it is plain to be seen from the description of the condition of the s leg in the reports of examining surgeons that the injuries de-

scribed by Dr. Conger might very readily have resulted from the imperfect use of the limb, induced by the injuries inflicted by the gunshot wound.

The disability is greater than the loss of a leg below the knee, as shown by the evidence in the case, and as the entire disability is reasonably attributable to the injury received in the service, the bill is reported to the Senate with a recommendation that it do pass.

H CONGRESS, 2d Session. | SENATE. | REPORT No. 1469.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

r. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7803.]

e Committee on Pensions, to whom was referred the bill (H. R. 7803) ranting a pension to L. W. Pitts, has examined the same, and reports:

That the following report of the Committee on Invalid Pensions of House of Representatives is sustained by the record and proofs in s case. The report is as follows, viz:

Committee on Invalid Pensions, to whom was referred the bill (H. R. 7803) granting a pension to L. W. Pitts, having considered the same, report as follows:

The claimant, L. W. Pitts, late a private in Company B, Third Kentucky Cavalry luuteers, enlisted in October, 1861, and was finally discharged July 15, 1865. His claration for pension was filed March 20, 1880. He alleges disability from injury ceived at Owensborough, Ky., in November, 1862, while on detached duty enlisting n, his horse falling and dislocating his left shoulder and finger. Claimant's appli- tion was rejected by the Pension Office on the ground of no record; meaning, we ppose, no record of injury, and that claimant has declared his inability to furnish tisfactory testimony to show that his alleged injuries were received in direct line duty. The fact that claimant was a sound, healthy, able-bodied man when he tered the service admits of no question. There are no regimental hospital records file, as shown by the report of the assistant-adjutant general. The report of the sistant surgeon-general in this case shows that there are no records of the Third entucky Cavalry, nor of the Twelfth Kentucky Cavalry, on file prior to March, 1864; nce the deduction of the Department that there is no record of the injury in the spital records is evidently not the fault of the soldier, but of the regimental sur- on in not keeping them at all.

The evidence in this case shows clearly that the claimant was injured, that his rse fell on him, that he was absent on recruiting service, and also had an order to rest a deserter, and that he was in the line of duty at the time. There seems to very little point in the case to be put in issue, except it be the question of whether was intoxicated or not; and this is only stated by one witness as a rumor, which, the evidence shows pretty conclusively, was instigated by malice.

Dr. Littlepage, of the Twelfth Kentucky Cavalry (not claimant's regiment), was led to attend him immediately after the injury at the house of one Boyd, where he s taken, and gives an unqualified statement of the injury to claimant as alleged by l, and also of the serious character of the dislocation of the shoulder. The evidence he examining surgeons and of all the witnesses is to to the effect that claimant is n one-half to totally disabled.

r. Dowell, an eminent physician and surgeon, who examined him, says:

The applicant for pension has the following symptoms: The head of the humerus artly thrown off the glenoid cavity against the caracoid process. There is pro- ion of the acromion and a hollow under it at the back of joint. The head of the e is prominent in front and may be felt to move in rotating the elbow. He has nps of the hand, difficulty in raising the elbow, because the head of the bone tes the caracoid process. Partial dislocation forward is what I diagnosed the ble, and it is of long standing. I think he is disabled for the performance of ual labor, total, or $5 per month."

Dr. King, another examining surgeon, referring to the nature of the disability, says:

"That the head of the humerus does not enter fully into the glenoid cavity. I believe said cavity to contain an ossific or calcareous deposit. The applicant also has received an injury to distal articulation of left-hand third finger."

Both doctors give it as their opinion that the disability originated in the service, and that it is not aggravated or protracted by any vicious habits.

Claimant states that he had fulfilled the order of arrest, which he carried, by taking into custody one Galloway, and were both riding one horse when the horse became frightened, or, as claimant believes, one Adcock struck the horse. Whether the horse was struck or became frightened otherwise is not material. Claimant was unable to control him, and as a result, the horse fell upon claimant, dislocating his shoulder and finger. This is testified to by Galloway.

Claimant mentions in a late affidavit the receipt of an anonymous letter in which the statement is made, "We have owed you a grudge for twenty years, and after waiting impatiently we have met with an opportunity, and embraced it."

Your committee find that the claimant is a man of most excellent character, and the evidence of himself, the witness Galloway, Dr. S. B. Littlepage, assistant surgeon of Twelfth Kentucky Cavalry, that he was called to treat claimant at Boyd's farm about October, 1862, found his left shoulder dislocated, that he reduced it, administered to his wants and returned to Owensborough, and did not treat him any more, we think, prove this case. The doctor further says:

"I remember distinctly of treating L. W. Pitts at the Boyd farm, near Owensborough, Ky. My affidavit was made from memory, but is correct. Having to ride through a country infested with guerrillas to treat the said Pitts perhaps makes the matter more vivid to my memory than otherwise it might be. Pitts, in my opinion, deserves a pension."

It will be remembered that Littlepage was called in from another regiment, and resides now at Rockford, Ind., and makes his statement without any prejudice against claimant or partiality for him. In view of the fact that claimant appears to be a man of upright character as a citizen, that he served nearly four years as a soldier, and is now in a very helpless condition, all of which is plainly traceable to the injury received while in the line of duty, your committee cheerfully recommend him as a proper subject for a pension, and return the bill with the recommendation that it do pass.

In the judgment of your committee the bill ought to pass, and it is therefore reported to the Senate with a recommendation that it do pass.

C

TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1470.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4216.]

The Committee on Pensions, to whom was referred the bill (H. R. 4216) granting a pension to David N. Bryan, has examined the same, and reports:

That the record and proofs in this case amply sustain the extended and circumstantial report made thereon by the Committee on Invalid Pensions of the House of Representatives, and which is here copied as follows, viz:

[House Report No. 2417, Forty-eighth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4216) granting a pension to David Bryan, submit the following report:

David N. Bryan, late private in Company D, Seventy-eighth Regiment Ohio Volunteer Infantry, was drafted and mustered into the service in the month of September, 1864; his invalid pension claim was rejected on the 4th of June, 1875; it was referred to a special examiner, under the old manner of referring cases of this kind, who made an adverse report; the case was reconsidered in the Department in July, 1878, with the same result. The ground on which the claim was rejected was that the existing disability did not originate in the service of the United States.

The report of the special examiner was made on the 2d of May, 1875, prior to the first decision of the Commissioner of Pensions, and the review given by the Commissioner in July, 1878, seems to have been based on the same state of facts, except some additional evidence, merely cumulative, and some affidavits in regard to the information on which the special examiner based his adverse report.

The claimant insists that one Dr. John Hill was instrumental in misleading the special examiner and in convincing him that the alleged disabilities existed prior to the time when he entered the service. The said Dr. Hill is said to have been an enemy of claimant. On this point the evidence is as follows, outside of the testimony of claimant:

Nathaniel Lepage, who resides in the same town with Dr. Hill, Dr. Ferguson, claimant, and other witnesses, says he knows that Dr. Ferguson was always the family physician of claimant, and that he never knew Dr. Hill to attend him in any sickness, and that he has known Dr. Hill for many years and "knows that he has a bitter antipathy toward David N. Bryan, originating in some personal matter," &c., as well as public matters.

George M. Yarnell and Henry Breidenthal, residing in same town, testify to the same facts, and recite at some length an animosity between Dr. Hill and Bryan growing out of the temperance question, and some personal difficulties, and Mr. Breidenthal states that on two different occasions he heard Dr. Hill declare his intention to defeat Mr. Bryan's pension claim if he could do it.

David N. Bryan, the claimant, testifies that he was in sound health when he entered the service; that the examining surgeon so decided at the time; that he lost his health in the service; that he was taken with chronic diarrhea as the result of exposure while in Sherman's march; that he was treated for this and other disabilities

while in the service; that he has never been well or able to perform manual labor since he quit the service; that soon after his discharge he was taken with, and is still suffering from, paralysis, and is so helpless that he requires daily assistance.

Dr. Vincent Ferguson testifies that he was the family physician of David N. Bryan before he was drafted, and has been since he was discharged from the service; that the said Bryan was a man of sound bodily health and free from any disease before he entered the service; that when he came home from the service he was sick, and has never since been well, and is not able to perform any manual labor whatever; that he is suffering from general nervous depression and has required almost constant treatment.

Dr. Vincent Ferguson and thirteen other gentlemen, certified to be highly respectable gentlemen, join in an affidavit stating that they are personally and intimately acquainted with David N. Bryan, and knew him before he was drafted, as well as since his return from the Army; that they knew him to be a sound man before he entered the service, free from chronic diarrhea and nervous debility, and that since his return he has never been well, and that his nervous system has been greatly impaired; that they have no hesitancy in saying that his impaired health is the result of his military service, and that he ought to be pensioned; that he is a man of temperate habits, and that there is no doubt about his diseases having been contracted in the military service, and aver that his claim for a pension is just, &c.

I. C. Robinson testifies that he was captain of Company D, Seventy-eighth Ohio Volunteer Infantry, claimant's company; was personally and well acquainted with David N. Bryan, and further declares that the said Bryan, while on the march with Sherman to Savannah, by severe exposure, contracted chronic diarrhea, with a general depression of the nervous system; that he has personal knowledge that his whole nervous system was greatly impaired at the time of his discharge.

James A. Sears, a private in the same company, testifies that he served with claimant, and knew him well, and knows that while he was in the line of duty, on the march from Atlanta to the sea, in November, 1864, he contracted chronic diarrhea, and suffered a general breaking down of the physical system, and was taken to the hospital in Goldsborough, N. C., and was still in this hospital when the regiment left him.

I. L. Neyman, a justice of the peace, W. G. Keil, and divers others, testify that they knew the claimant intimately, as neighbors necessarialy would and could know him, and aver that he was sound and well when he entered the service, and that he has never been well or able to perform manual labor since he was discharged; that he had chronic diarrhea, or what was called chronic diarrhea, after his return home, and that he is a man of temperate habits, &c.

It appears from the papers that the claimant was never examined but once by an examining surgeon, and this examination was made in December, 1873, and he was ordered to examine him for chronic diarrhea and rheumatism, which he did, and while he did not then find that either of these diseases existed, he states in his report that he found indications of paralysis, &c.

J. A. McKinstrey, the special agent who went to Senecaville in 1875 to inquire into this case, says in his report that on examination he found claimant very much afflicted with paralysis agitans, confined mostly to the right side, but beginning to affect the left side; and further along he says that he is unable "to discover the origin of this disability, which now almost totally disables claimant from manual labor."

The records show that he was treated in the hospitals for chronic diarrhea, and was transferred from Foster General Hospital, North Carolina, to De Camp General Hospital, David's Island, New York, where he was ordered for muster out, on the 30th of June, 1865.

The claim was rejected on the ground that the disability did not originate in the service, and this conclusion is based on the technical conclusion of the medical director that paralysis is not the result of chronic diarrhea, this being the question submitted as shown by the papers. If the question had been, whether paralysis, general debility, and nervous prostration could be the result of chronic diarrhea and exposure in the service, the decision might have been different.

Be this as it may, in view of the undisputed testimony of more than a score of his neighbors who testify as to his soundness before he entered the service, and to his disability after; in view of the strong evidence of his family physician, Dr. Vincent Ferguson, who was his physician before and after his service; in view of the testimony of his comrades who point out the exposure which caused the chronic diarrhea and nervous prostration for which he was sent to the hospital; and in view of claimant's own declarations, your committee recommend the passage of the bill, amended by inserting "N." in the name, making it David N. Bryan, and changing the company from "B" to "D."

Concurring in this presentation of the case, your committee report the bill to the Senate with a recommendation that it do pass.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1471.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1901.]

The Committee on Pensions, to whom was referred the bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers, has examined the same, and reports a concurrence in the report of the Committee on Invalid Pensions of the House of Representatives made in this case to that body, and which is as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1901) granting a pension to Harrison Mitchell, having duly considered the evidence in the case, report:

That claimant enlisted in the military service of the United States as a private in Company K, Forty-eighth Regiment Indiana Volunteers, August 10, 1862, and was honorably discharged May 29, 1865.

January 6, 1870, he filed a declaration for pension, alleging that "at Medarysville, Ind., February 13, 1864, while returning home on a furlough, in getting off the cars, at said place, in the night-time, he fractured his right leg at the knee," which was rejected June 24, 1878, on the ground that the soldier was not in the line of duty at the time of receiving the disability.

The evidence in the case discloses the fact that claimant was a recruit assigned to the Forty-eighth Regiment Indiana Volunteers; that the regiment re-entered the service, and returned home on veteran furlough; that at the time of mustering said regiment as a veteran organization claimant had not served a sufficient length of time to enable him to re-enlist as a veteran; but that he came to Indianapolis with his regiment, where he was also given a furlough for thirty days by the officers of his company and regiment, along with the balance of the regiment. He received his furlough at Indianapolis February 12, 1864, and started for his home, where he arrived on the morning of February 13, 1864, just before daylight, and in getting off the train fell among railroad cross-ties, breaking his right thigh above the knee.

The incurrence of the injury in manner and at the time claimed is shown by the witnesses present at the time, who aided the soldier in getting to his house after the accident.

The testimony of the commissioned officers of claimant's company show that the soldier did not seek the furlough, but that it was given him solely on the ground that the rest of the company was being granted a veteran furlough, and they could do nothing with the soldier but send him home also.

It is also shown that the soldier was not under the influence of intoxicants in any degree at the time of being disabled.

The examining surgeon of Pulaski County, Indiana, in an examination of claimant, October 8, 1870, reports his disability as total, by reason of partial anchylosis of the knee-joint; that the limb is crooked and atrophied.

In view of the above facts your committee unhesitatingly recommend the passage of the accompanying bill, amended, however, by striking out all after the word "pension-roll," in line 6 of said bill, and inserting in lieu thereof, "subject to the provisions and limitations of the pension laws."

The bill is herewith reported to the Senate with a recommendation that it do pass.

C

H CONGRESS, } SENATE. { REPORT
2d Session. } { No. 1472.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Ir. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8090.]

'he Committee on Pensions, to whom was referred the bill (H. R. 8090) granting a pension to Albert Harper, has examined the same, and reports:

That this case was rejected by the Commissioner of Pensions—

On the ground that the records of the War Department show that the alleged disbility existed prior to enlistment.

Your committee feel warranted in treating of this case on the prinple agreed to by both Houses of Congress during the present session, y the incorporation of the rule in the pension appropriation bill that cceptance into the service shall be regarded as presumptive evidence f soundness at enlistment. This presumption is not overcome by the nere statement in a certificate for discharge that the disability for which t was given existed prior to enlistment. But this case is stronger than mere dependence on this presumption would make it. Its other featres are presented in the following report of the Committee on Invalid Pensions of the House of Representatives, viz:

[House Report No. 2519, Forty-eighth Congress, second session.]

History of claimant's Army service is as follows: Enlisted as a private in Company , Ninth New York Heavy Artillery, December 24, 1864; mustered March 18, 1864; ischarged September 29, 1864, on surgeon's certificate of disability, which contains he following statement: "Valvular disease of heart; action, excessive, irritable, and ntermittent on slightest exertion; man is unfitted for any service. He is not physially suitable for Veteran Reserve Corps; had inflammatory rheumatism previous to nlistment; no case for pension." On the strength of the statements expressed in e two last sentences, his case is rejected "on the ground that the records of the 'ar Department show that rheumatism existed prior to enlistment." There is not a rticle of evidence in the case to corroborate the statement made in the certificate, d how it should be made is beyond the comprehension of the ordinary observer, unss it is assumed that the claimant himself was its author. It is hardly supposable at the soldier would make so damaging a statement against his own interests. It s certainly not necessary for him to do so to obtain his discharge from the service, the disabilities under which he was suffering were sufficient to obtain the discharge, that was his desire. It is, therefore, somewhat of a mystery how such a record n be made and no evidence whatever appear to substantiate it. That it does frently appear in this form and manner, is the experience of many members of this mmittee, to the detriment and damage of claims that have the appearance of being herwise meritorious; the result being the rejection of good and valid claims by the nsion Office. Should such a statement, unsubstantiated by a particle of evidence, utralize and invalidate a mass of testimony to the contrary? It is a question easily swered by any fair-minded investigator.

Claimant alleges that while in the line of duty at Cold Harbor, Va., on or about June 5, 1864, he contracted rheumatism, and was sent to City Point hospital, about June 20, 1864; thence to the Lincoln general hospital, Washington, D. C.; thence to city hospital, Rochester, N. Y., whence discharged.

Adjutant-General's records state that soldier was discharged on account of disability, by order of Major-General Dix, September 26, and that muster-out rolls report discharged 1864, for disability. Hospital treatment about same as alleged by claimant.

Surgeon-General's records show him in hospital at Washington, D. C., with heart disease, and in Rochester hospital, with "irritable heart."

Claimant's affidavit presents his case as stated in his declaration for pension, and claims that he has been unable to follow his occupation of farmer since his discharge, and that he was treated by Dr. Weed, now dead, and Dr. Barles, and that the only officer who knew of his sickness was Lieutenant Grant, whose address he does not know. Was not treated by a regimental surgeon, being immediately sent to hospital at City Point.

Abram L. Wood, R. C. Barless, and John B. Smith, neighbors and acquaintances, who are admitted to be fair men, say, under oath, that they were well acquainted with claimant prior to and at enlistment, and know of their own knowledge that he was a stout, able-bodied man, free from rheumatism and other diseases.

Daniel Earles and Alexander Gibson were in the service with claimant, and to all appearances he was perfectly sound and well, and that in June, 1864, while on a march, claimant gave out on account of rheumatism.

Phineas S. Rose, M. D., testifies that claimant came to him some time in June, 1864, at City Point hospital for treatment, and was suffering from an attack of subacute rheumatism of his knees and ankles, being decidedly severe in degree. Remained under his care a short time, and was removed on a stretcher, and was transported to some general hospital.

Four affidavits showing continuance of disability are on file, and two certificates of physicians corroborate same, and say claimant is suffering with rheumatism and heart disease, and there are several answers to office letters showing same state of facts.

D. B. Horton, examining surgeon, under date of September 9, 1882, says:

"I find applicant suffering from general rheumatism, hands puffed, bent over so as to have a cane to walk with all of the time; cannot labor at all; heart enlarged and very irregular in its beat, caused by the long-continued rheumatism; says he has done no work for ten years; saw him once before, in 1878; then he was a perfect invalid; think he is disabled from rheumatism and effects, including heart disease; total second grade, $12 per month."

Claimant did not file declaration for pension until May 1, 1882, and why he waited to that late date is not shown. The committee, however, think the evidence is conclusive as to his disability and its incurrence in the service, notwithstanding the statement on the certificate of discharge, and recommend the passage of the bill.

The bill is therefore reported to the Senate, with a recommendation that it do pass.

ONGRESS, } SENATE. { REPORT
Session. } { No. 1473.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

ILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 389.]

ommittee on Pensions, to which was referred the bill (H. R. 389) iting a pension to John Boyle, has examined the same, and reports:

it the following report of the Committee on Invalid Pensions of ouse of Representatives gives a substantially accurate statement s case, and is here quoted as follows, viz:

mmittee on Invalid Pensions, to whom was referred the bill (H. R. 389) granting a pension to John Boyle, beg leave to report:

t the said Boyle was mustered into the service as a private in the Tenth Indi-
ttery, January 3, 1862, and remained with his command about eighteen months,
; which time he participated in the campaign against Murfreesborough, Tenn.,
engaged with his battery in the battle of Stone River and all the hard fighting
; that memorable campaign, being exposed to the extreme bad weather, day and
without shelter. In his application for a pension claimant alleges that it was
; this time that he contracted his disease, and supports his declaration by affi-
of his commanding officer and many of his comrades; that he was sent to a
lescent camp near Murfreesborough, and thence to Louisville, Ky., where he
ansferred to the Veteran Reserve Corps, July 5, 1863, he not being examined
surgeon at the time of such transfer.
evidence further shows that he was treated in hospital at various times for
l debility, and that he remained in the service until discharged for disability,
ry 7, 1865.
application for pension is on account of disease of spine, hernia of left side, and
l debility.
examining board of surgeons at La Fayette, Ind., before whom applicant was
d for examination, certify that applicant has oblique inguinal hernia of the
le, and the pain in his back is the result of hernia, and not a spinal affection,
at in their opinion the disease did originate while he was in the service; that
ncapacitated for obtaining his subsistence by manual labor, and that the disa-
is permanent.
affidavit of C. H. Jenks, a person of undoubted respectability, residing at La
te, Ind., shows that he was well acquainted with claimant, having been en-
in business with him before the war, and knows of his own personal knowledge
he claimant was a sound, healthy man at the time of his enlistment, and that
ard, in 1865, when Boyle returned from the Army he was a broken-down man
t able to earn his living by manual labor. Dr. F. D. Leary makes affidavit,
ber 21, 1870, that he had been acquainted with Boyle for ten years last past,
at his disability has *not* been aggravated or prolonged by intemperance or
ad habits or practices.
claimant says that at the time he applied for a pension he could not get the affi-
f any of his commissioned officers for the reason that he did not know where they
l; but that shortly after the rejection of his claim he learned that Jerome B. Cox,
mer captain, was residing in San Francisco, Cal., and that he immediately pro-
is affidavit, which is now on file in the Pension Office, and which is to this effect:
e said Jerome B. Cox, was captain of the Tenth Indiana Battery; that he was

well acquainted with the claimant, and that he knew him to be a sound, healthy man at the time of enlistment; he further states that the claimant became so badly broken down during the Murfreesborough campaign that he was entirely unfitted for further service in the field. There are numerous affidavits on file all to the same effect, namely, that applicant was a strong, vigorous man at enlistment, and broken down by hard service and exposure in the Army in line of duty.

The claim for pension was rejected on the ground that there is no satisfactory evidence that the disease originated in the service and in line of duty. This is accounted for in the following way: When claimant was first taken sick he was sent to a convalescent camp, and from that to the Veteran Reserve Corps without any medical examination, and in point of fact he did not know the nature of the injury that caused his disability until after he was discharged, and at the time he was examined by a board of medical examiners, when they discovered that he had been ruptured, and it was from this injury that he was suffering and not spinal trouble.

The claimant is now sixty-seven years old, and feeble in health, and asks that in his declining years the Government that he helped to preserve will grant this small remuneration to assist him in his distress.

In view of the above facts, the committee report favorably, and recommend the passage of the accompanying bill.

Agreeing with the conclusion of this report, the bill is reported to the Senate with the recommendation that it do pass.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1474.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2661.]

The Committee on Pensions, to whom was referred the bill (S. 2661) granting a pension to Amelia J. Gill, have examined the same, and report, recommending the passage of the same.

The facts are stated in the following papers which we submit. This woman is now ill, and her physicians say cannot live many months. She is absolutely destitute and supported by charity.

This letter is to Governor Samuel W. Hale, of New Hampshire:

BOSTON, *January* 6, 1885.

Governor HALE:

DEAR SIR: Your interest in those who served our country during the civil war has given me boldness to try to enlist your sympathy for a woman whose story I will give you as briefly as possible. Miss Gill nursed the soldiers of the Federal Army during four years, receiving only her board in compensation. She has papers in her possession proving this to have been the case. A copy of two of these documents I inclose that a proof may satisfy your interest. After the close of the war she taught the colored people nearly three years, making in all seven years' work that was given with only board as recompense. Since leaving her duties at the South she has worked perseveringly, accumulating sufficient means for her support and saving money, which, wisely invested, would have supplied her necessities, but she has made unwise investments. Her attending physician, Dr. Sophia C. Jones, tells me that she fears her present illness will prove fatal after prolonged suffering. She is sixty-three years old, and, should she recover, would probably never be again strong enough to wholly support herself. Is it intruding upon your well-known benevolence to ask if you are willing to use your influence toward securing a pension for Army nurses? A bill is now before Congress, and I am told that the support of influential persons would do much to secure its passage. Inclosed please find a copy of the documents to which I referred.

Respectfully, yours,

MARIETTA R. MANN,
141 *Pembroke street, Boston.*

Governor and Mrs. Hale certify in the strongest manner to the reliability of Mrs. Mann, who is a daughter of an eminent physician. Had a brother in the Army.

H. W. BLAIR.

This is to certify that Miss Gill, the bearer of this, has been for nearly nine months a nurse in wards under my charge in this hospital. I cannot speak too highly of her efficiency, industry, and attention to the sick under her care, neither of which qualities have I ever seen excelled. My directions have always been intelligently apprehended and faithfully executed, nor have I found my absolute confidence in her diligence and execution in a single instance misplaced. The wards supervised by her, although for the most time filled with severely wounded cases, were always a marvel of cleanliness and purity, while the patients were never permitted to want for anything that her thoughtfulness and assiduity could provide. I deem it proper to add that she is relieved from duty in this institution at her own request.

EDWIN WATERS,
Acting Assistant Surgeon, U. S. Army.

I CONGRESS, } SENATE. { REPORT
d Session. } { No. 1476.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5998.]

he Committee on Pensions, to whom was referred the bill (H. R. 3) granting a pension to Jonathan C. Harrison, have examined the e, and report, recommending its passage.

he facts in this case are stated in the report of the House Commit- on Invalid Pensions (House Report No. 2536) as follows:

nathan C. Harrison, while serving as private of Company B, Fifty-second Regi- ; Ohio Volunteer Infantry, had his arm amputated below, but within 1¼ inches e elbow, for which wound he draws $24 per month pension. Had the amputation made at or above the elbow, the pension would have been $30 per month. There ars no issue between the claimant and the Commissioner of Pensions as to the use- ess of the stump, and as to the fact that an elbow amputation would not in any have been of greater injury to him for all practical and personal purposes than e point amputated. But the Commissioner rules that he cannot grant an increase ise estopped by the words of the present law, which requires absolute incapacity anual labor as a precedent to increase from $24 to $30 per month, a requirement emanded in any case from those suffering from amputations at or above the r.

view of the facts, your committee are of the opinion that Claimant Harrison d be put on the same footing with this class of wounded soldiers, and should not ld to the rule of incapacity for manual labor no more than they, and are there- f the opinion that he is clearly entitled to the desired increase of $6 per month, ecommend that the bill pass.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1477.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1710.]

The Committee on Pensions, to whom was referred the bill (H. R. 1710) granting a pension to George W. Bean, have examined the same, and report, recommending passage.

House report states the facts:

The evidence in this case shows, to the entire satisfaction of the committee, that about July, 1849, one Capt. P. W. Connover organized in Utah Territory a militia company for the purpose of defending the people of that section of the country against attacks from Indians which were then threatened.

The company elected officers and was armed in part and by order of Brigham Young, then assuming to be and to act as governor of said Territory, with an iron field-piece, 6-pound caliber. This company is shown to have co-operated with the United States troops then under command of Captain Stansbury, Topographical Engineers, U. S. A., and Lieut. J. W. Gunnison, U. S. A., and was part of the time at least under the command of one or both of said officers; that while said company was thus co-operating with said United States troops and under the direction and command of its officers, a fight occurred with the Indians at or near Fort Provo, lasting about three days; that subsequent thereto there were several other fights with the Indians, in which said company participated, and lost two killed and several wounded.

That about August, 1849, said militia company built a bastion on an elevated place within Fort Provo, and mounted it with their 6-pound gun. That about September 1, 1849, while said militia company was occupying said bastion at Fort Provo, the Indians opened fire upon some men in the settlement, and gave evidence of a purpose to attack the settlement and fort. This soldier, Bean, was detailed to assist in manning the cannon, and at the second discharge it exploded, wounding him dangerously in the arms and thigh and other places, making necessary the amputation of his left arm below the elbow, which amputation was performed by Surgeon Blake, United States Army, then with Captain Stansbury's command. These are facts substantiated by Captain Connover, Lieutenant Thomas, and several members of the company.

In December, 1882, Bean applied for a land warrant, alleging his service as above narrated.

This claim was rejected May 14, 1884, "on the ground that the service of Captain Connover's company, in which claimant alleged he served, is not sufficient to entitle him to a bounty-land warrant under act of 1852, which requires thirty days' service, nor under act of 1855, because service was not rendered in a recognized war."

The examiner who passed upon the application found that Captain Connover's company, Utah militia, was in service from February 4 to February 19, 1850, but that no other rolls of said company for 1849 and later than February, 1850, are on file in the Second Auditor's Office, and the Auditor so reports.

In explanation of this it is quite clearly shown by an affidavit of Captain Connover and some of his company that a new muster-roll was made out during the first part of 1850 and sent to Washington, and that the names of those who had been either killed or wounded were left off this roll, and the places of those left off were filled by others who thereafter served with the company.

The Second Auditor, in replying to an inquiry from the Pension Office, under date of May 5, 1884, refers to the "pay-rolls" of Capt. Peter W. Connover's company,

and gives the names of a number of the company, some or all of whom made affidavits in the case of the application for a bounty-land warrant.

Your committee find that while the original organization of the militia company may not have been fully authorized by law, yet that it was organized, did service in assisting in repelling Indian attacks, co-operated with United States troops, and part of the time, at least, under the control of United States officers, and that finally it was recognized by the national authorities, and payment for services made to the members appearing on the pay-roll: therefore your committee think Bean should be placed on the pension-rolls, subject to the provisions and limitations of the pension laws, and recommend the passage of the bill.

CONGRESS, } SENATE. { REPORT
Session. } { No. 1478.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

ɪLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7810.]

ɜ Committee on Pensions, to whom was referred the bill (H. R. granting a pension to Rosanna Riley, have examined the same, eport recommending its passage.

ɜ facts are stated in House Report.

ɪnna Riley is the deformed ophan daughter of John Riley, late a private in Com- ʒ, Twentieth Massachusetts Volunteers, who was killed at Antietam September ɪ2. He left a large family of small children, among them Rosanna, who has eformed from birth, always feeble and delicate, and never able to do anything ʼ own support; the mother of Rosanna died July 12, 1871, since which time she ɜen dependent on the charity of friends and aid from the city of Chelsea, where she resides, as will be seen from the accompanying statement of the city r, viz:

CHELSEA, *November* 12, 1884.

certifies that Miss Rose Riley has been aided by this city on account of her ɣ character and inability by reason of deformity to support herself. She is the ter of a soldier killed in the service at Antietam, and gave her best services ɪer father's death to the care of the younger children of the family.

K. EASTERBROOK,
City Auditor and Clerk of State Aid Committee.

is now about thirty-six years old, has no one on whom to depend for support, entirely unfitted for physical labor. Her age precludes a pension under the ɪl laws. Her father having given his life for his country, therefore depriving her natural protector, it would appear that her case is a most worthy one for ɜherly consideration of Congress.

r committee therefore recommend the passage of the accompanying bill with llowing amendment: Strike out the word "twenty" in the fifth line and sub- ɪ therefor the word "eighteen," so that it will read eighteen dollars per month.

C

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1479.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5330.]

The Committee on Pensions, to whom was referred the bill (H. R. 5330) granting a pension to Octavia A. Newhall, have examined the same and report, recommending its passage.

The House report states the facts:

Octavia A. Newhall is the widow of Everett Newhall, late a corporal of Company F, Fifth Massachusetts Infantry. He enlisted September 22, 1862, and was discharged July 2, 1863. He contracted swamp or malarial fever during his term of service at Newbern, N. C., from the effects of which he never recovered. He died November 26, 1882, of blood poisoning. He was in robust health at and prior to his enlistment, as shown by the evidence in the case, and it is also shown that he never enjoyed good health after his return. Although much broken in health and enfeebled he was able in these years to do light wood-work or turning, at which employment, in 1882, he cut one of his fingers with a circular saw, making amputation necessary. Aside from the pain at the time nothing more serious was thought of. His blood being in a poor and impoverished condition, from the effects of malaria contracted in the service, as shown by his never thereafter having been free from attacks of chills and fever, blood poisoning ensued of a most serious character. He was removed to the Massachusetts General Hospital for treatment, where he died in great agony and pain. The evidence in this case is as follows:

Dr. William Ingalls, late surgeon of Fifth Massachusetts Regiment, says he remembers soldier as one of five who were especially sick and helpless on trip from Newbern to Boston, but has no further record in the case.

Charles Currier says he was the captain of soldier's company; that about April 1, 1863, he was taken sick with malarial fever and remained sick until July 3, 1863, when the company returned to Massachusetts. Soldier had to be carried on a stretcher from hospital to boat, and that he was in perfect health at enlistment.

Comrades Tay and Oliver, members of soldier's company, say he was a well, strong man at and prior to his enlistment; that he contracted swamp fever in North Carolina, while in line of duty, from the effects of which he never afterwards recovered.

Daniel W. Lawrence, treasurer Medford Savings Bank, states that from 1850 to the time of his enlistment soldier was a strong, robust man. Next saw him in hospital at Newbern, N. C., entirely broken down in health, from the effects of which he never afterwards recovered.

William Lawrence states he had known soldier for years, and he was a strong, robust man prior to enlistment. After returning from service he was always poor in health, and much disabled for work by malarial attacks.

Thomas Bisbee, soldier's employer, states: He was not in good health and was unable to earn the wages of a robust man. And could not, owing to his disease, earn sufficient to properly support his family.

Dr. Martin, of Medford, Mass., states: Known soldier for fourteen years; had treated him for chills and fever, which, soldier informed him, he had ever since he was in the Army. Soldier died of blood poisoning. Affiant further states that soldier never fully recovered from malaria contracted in the Army.

Dr. George W. West says Newhall came under his care at the Massachusetts General Hospital in September, 1882, at which time his appearance indicated poor health, a general anæmic character. He complained of poor health dating back to service in the Army. That in spite of all that was done his hand grew worse, a severe abcess

forming with pus running up his arm. His death was due to his poor condition at the time of his injury.

His widow applied for a pension. Her claim was rejected on the ground that "origin of fatal injury was after discharge."

Your committee are of opinion that the facts show a certain condition which under the circumstances contributed to, if not induced, his death; that his blood was in an unhealthy condition at the time of the injury to his finger, occasioned by the malarial poison which he had absorbed into his system at the time of his service in the Army, and which had so undermined and weakened his constitution that it induced the unfavorable condition which resulted in his death.

The committee therefore recommend the passage of the accompanying bill.

O

ONGRESS, } SENATE. { REPORT
Session. } { No. 1480.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

LAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7853.]

Committee on Pensions, to whom was referred the bill (H. R. granting a pension to Margaret Flaherty, have examined the same, port, recommending its passage.

nother dependent upon a step-son. The facts are in House report:

lett Flaherty enlisted and served as a private in Company F, Third Maine Vol-, until May 12, 1864, when he was killed, while in the line of duty, at the bat-pottsylvania Court-House, in Virginia. He was an only son, and contributed n $200 and $300 of his bounty and pay towards the support of his dependent , Nicholas and Margaret Flaherty. The soldier's father died several years thout obtaining any pension. The mother, Margaret Flaherty, is a widow ry poor, and has applied to the Pension Office for a pension, but her claim was d on the ground that she was not the natural mother of the deceased soldier. her step-son. She was married to his father when Bartlett Flaherty was an and always acted the part of a true and faithful mother to him.

ecommend the passage of the bill.

3TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1481.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following:

REPORT:

[To accompany bill H. R. 8048.]

The Committee on Pensions, to whom was referred the bill (H. R. 8048), granting a pension to Ferdinand Hercher, have examined the same, and report, recommending its passage.

The House report is as follows, and makes a clear case. The claimant appeared before the member of Senate committee reporting the bill, and there can be no doubt that the rating is very reasonably low for the disability.

That the claimant, Ferdinand Hercher, was late a hospital steward United States Army and private of Company C, Thirty-sixth Illinois Volunteers, and Company E, Veteran Reserve Corps. The Commissioner of Pensions, in transmitting the papers, makes the following statement:

"Mr. Hercher claims pension (certificate No. 273744) for disability resulting from disease of liver and kidneys and gunshot wound of head. Inasmuch as the claim was not filed until April 20, 1883, the claimant would not be entitled only from date of application should the same be allowed, and as the board of examining surgeons declined to rate the soldier for the alleged disabilities the claim was rejected on the ground that he has not been disabled in a pensionable degree since date of application."

The claim is still pending on the basis of the alleged diseases of liver and kidneys and eczema.

The pensioner claims that the eczema is the direct result of said disease of liver and kidneys; but the Pension Bureau, holding that said eczema is not due to his military service, and not being the result of said diseases of liver and kidneys, rejected this portion of the claim upon that ground; and also rejected the disease of liver and kidneys on the ground that there has been no pensionable disability from said cause since the date of filing said claim.

It appears, however, by a recent medical examination by a United States examining board of surgeons at Washington, D. C., that the claimant is disabled in a pensionable degree by eczema, physical signs of said disease having been found by said board of surgeons.

Your committee finds, from the military record of the soldier, that he enlisted August, 1861, and was wounded in the head at Stone River, Tennessee, December 31, 1862; was discharged October 9, 1863, on surgeon's certificate of disability; re-enlisted September 15, 1864; discharged July 1, 1865, by special order; re-enlisted July 15, 1865; discharged July 15, 1868, by reason of expiration of term of service; re-enlisted July 15, 1868; discharged October 19, 1870; re-enlisted June 13, 1872; discharged June 13, 1877; re-enlisted June 13, 1877; discharged August 23, 1878; again enlisted May 1, 1880, and was discharged October 31, 1881, on account of ill health, thus showing an almost continuous service from August, 1861, to October 31, 1881.

Your committee further finds by the testimony of the post surgeon at Fort Larned, Kans., that the soldier suffered with said eczema in the years 1875, 1876, 1877, and 1878.

The following is the sworn statement of Surgeon Francis H. Atkins, late of the United States Army, that—

"The soldier was a hospital steward during affiant's term of service, and served under him, at Fort Larned, Kans., during part of the years of 1875, 1876, 1877, and

1878, the longest period being fifteen months, from March, 1876, to January, 187' during this time he had ample opportunity to know that claimant's health wa ously crippled by reason of disease of liver, which he always understood was : of his military service in the malarious regions of the South through the lat and after it; further that he never knew the soldier to lose a day from duty with him, though a large part of the time he was a great sufferer from nun symptoms due to faulty action of the liver and from a distressing eczema of the which I attributed to the same cause.

"A more careful, exact, and hard-working servant of the Government I never or one more correct in his habits, and never had a doubt that his disability orig in the service and in line of duty."

It is therefore the opinion of your committee that had said disease made its a ance prior to that date he would not have been accepted into the military ser the United States, and that he is also disabled in a pensionable degree by the a disease of liver and kidneys, of which there is a record on file, and also shown l testimony of Dr. Edward M. Schaeffer, of Washington, D. C., an expert in suc diseases, which testimony is as follows:

"Analysis of urine passed January 7, 1885, in my presence: The general cha of urine was dark orange, very turbid, very heavy, pinkish, highly acid; s gravity, 1.030. Chemical analysis: Trace of albumen; coloring matter of bile; in abundance; large quantity of amorpherous urates; blood in considerable an Microscopical examination: Muco-pus and renal epithelium, blood, &c."

The testimony of affiant P. R. Mayo shows that the claimant suffered from ec and that he was totally disabled.

Affiant George A. Lewis testifies to the claimant's inability to help himself b son of the said disease of kidneys and liver and eczema.

Affiant Williams Walter testifies to the same.

Affiant August Bunell corroborates the above affiants.

All of which shows conclusively, in the opinion of your committee, that said s is not only at present disabled by said diseases, but also that he has been so dis and at times utterly unable to feed or dress himself, ever since the date of t quaintance of said affiants with him.

In support of the claimant's theory that the alleged eczma is the direct re the liver and kidney disease, the following is quoted from Dr. Duehring's w skin diseases, and a standard authority (to wit, paragraphs from page 167 to 17

"Causes arise from dyspepsia, constipation, irregularity in the action of the b Deficient excretion, excess of uric acid and urates, alkalies, acids in one form other may be alluded to as causes of eczema; mineral and chemical substances rious kinds are not infrequently the source of the same disease."

In view of the above facts, your committee are of the opinion that pension be granted to said Ferdinand Hercher at the rate of $24 per month, with the a ment striking out the word "Hurcher," and inserting the word "Hercher."

ONGRESS, } SENATE. { REPORT
Session. } { No. 1482.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

AIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5378.]

Committee on Pensions, to whom was referred the bill (H. R.
ranting a pension to Henry Milkey, have examined the same,
ort recommending its passage.
House report is as follows:

Milkey was enrolled on the 24th of February, 1865, at Cincinnati, Ohio, in
y I, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry.
stered out of the service January 20, 1866, at Macon, Ga.
ase was rejected by the Pension Department because of the alleged inability
lish the existence of the disability of the claimant during service or until
date of his discharge from the Army.
ase has been carefully examined; the claimant is totally *blind*, and has been
s. He says he contracted an affection of the eyes while in the Army, caused
ure and hardship near Dalton, Ga., in the early part of the summer of 1865,
he was treated by the surgeon of his regiment, but did not go to the hos-
fear of being detained there; he asked the surgeon to excuse him from duty,
e did.
Runy, of Dayton, Ohio, February 25, 1881, swears that "the claimant was
vith nothing the matter with his eyes, previous to entering the service."
as Wertzel, Joseph Mohr, and Peter Sautel, all members of his company and
t, swear that—
ry Milkey was taken sick some time in March, 1865, near Nashville, Tenn.,
ckness resulted in disease of the eyes."
ubsequent affidavit made by Philip Runy to the one already referred to, he
that—
claimant has been suffering with disease of eyes since his return from the
d has gradually lost his sight."
m T. Herman, on November 26, 1881, swears as follows:
well acquainted with Henry Milkey, and, to the best of my knowledge and
was a sound and healthy man at the time of and before his enlistment, and
ed the disease of eyes, resulting in total blindness, while in the service of the
States and in the line of his duty."
Fisher, of Dayton, Ohio, on the 28th day of November, 1881, testifies as fol-

s a member of Company I, One hundred and eighty-seventh Regiment Ohio
r Infantry, and was well acquainted with Henry Milkey, and have been for
nty years. He was a sound and healthy man before entering the service,
er had any disease of the eyes. It is my firm belief that the disability of
Milkey, which has resulted in total blindness, was the result of exposure and
while in the United States service as a soldier."
e the most important testimony in favor of the claimant is that of William
reputable and skillful physician of Dayton, Montgomery County, Ohio. On
lay of March, 1880, he swore as follows:
ve been the family physician of Henry Milkey, and have known him from
d. He was always healthy prior to his enlistment, on the 24th day of Febru-
. He received his discharge from the service in 1866, since which time I have
him frequently for attacks of hyperæmia of the brain, in consequence of

which there has been progressive amaurosis of both optic nerves, resulting in total blindness."

Subsequently, in answer to a letter from the Pension Department, addressed to him, Dr. Egry writes as follows:

"In February, 1866, I was called to attend the claimant, finding him suffering with hyperæmia of the brain. I administered leeches on his forehead and temples, ice applications on his head, and antiphlogistic and derivating treatment internally. He became better and was able to be about, but was growing blind. Atrophia of the optic nerve was predominating and increasing. Every summer he suffered with a relapse of hyperæmia of the brain, and was for most of the time under my treatment. In the year 1873 I went to Europe, and consequently lost sight of him for seventeen months, and during this time total blindness ensued, and he has been blind ever since, being led by his children."

While the claimant, when in the service, struggled against going into the hospital, and consequently has no hospital record, so as to furnish the proof to the Pension Department that he was afflicted while in the service with the disease which has destroyed his sight, the testimony is abundant and convincing that he was well before entering the service, and has been gradually getting blind from the time of leaving the service until he was stricken with total loss of sight.

In the judgment of your committee, this man's affliction was produced by the trials and exposures of the service and while in the line of duty, and the passage of the bill is recommended.

ɔONGRESS, } SENATE. { REPORT
Session. } { No. 1483.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

ɹAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8082.]

Committee on Pensions, to whom was referred the bill (H. R. ɣranting a pension to Lina J. Stearns, have examined the same, port, recommending its passage.

facts are in House report:

J. Stearns is the widow of Oliver F. Stearns, formerly a private in Company ɛenth Regiment New Hampshire Volunteers, who died April 2, 1878. He was ed for malarial poisoning from the date of his discharge, August 20, 1863, to ɛ of his death. His widow made application to the Pension Office, and her as rejected on the ground that immediate cause of her husband's death was a us affection of the stomach.

ɪndantly appears from the evidence on file at the Pension Office, that said was an exceptionally healthy, robust, and hard-working man before and at ɛ he went into the Army. When he was discharged he was so ill from the dis- ı had incurred during his Army service that he could not walk without assist- ɪd his comrades were obliged to carry him from the station at Newport, N. H., ɔme in the same village. He was confined to his room nearly a year from that ɪd although he had then improved somewhat and became able to do light work, never had the ability to perform a fair day's work during the remainder of his

after his Army service, he was troubled about retaining food in his stomach, ɔn would vomit after eating. He was treated by Drs. Thomas Sanborn and Hatch, now deceased, whose affidavits are on file in the Pension Office. Dr. ı (a pension surgeon) certifies that the cancer in the stomach "probably was ɪted by the other diseases, chills and fever and chronic diarrhea, and that these seases caused irritation in the stomach and bowels and would operate to bring abnormal growth."

avid M. Currier, who made a *post-mortem* examination, certifies:

n what I know of the family generally and this case in particular, it is my that it is very probable that the cancer of which he died was the result of arial poisoning and chronic diarrhea with which he was afflicted and for e received a pension."

ɔpend the affidavits of Mrs. Stearns, Shepherd L. Bowers, esq., Dr. Thomas ı, and Dr. David M. Currier.

committee make a favorable report and recommend the passage of the bill.

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a J. Stearns, of Newport, in the county of Sullivan, and State of New Hamp- n oath state that I am the widow of Oliver F. Stearns, deceased, late of said t, who, in his lifetime, on the 9th day of October, 1862, at Newport, N. H., as a private in Company F, Sixteenth Regiment, New Hampshire Volunteers, ɪt to New Orleans with his said company and regiment; that he acted as said company until he was taken sick with chills and fever and chronic diar- hat then he went into the marine hospital, and in another hospital, until he urned with his company at Concord, N. H., and discharged at the time his

regiment was, the 20th day of August, 1863; that he enlisted as a nine months' soldier. After he came from Concord he was obliged to be brought into his house at Newport by being carried in the arms of some of his comrades. He could not walk without help. He was confined to his room nearly one year. After that he was some better, but not able to do much manual labor, but he tried to work whenever he felt any better, and did work when he ought to have kept his bed.

The chills and fever and chronic diarrhea followed him up, and he gradually grew weaker and weaker until he was obliged to desist from labor wholly, and was confined to his house. His diseases, contracted in the Army, were upon him so that on the 2d day of April, 1878, he died. That he applied and obtained an invalid pension of $4 per month. His pension claim was numbered 32178. That previous to enlisting in the Army he was a well, strong, robust, hard-working man, and weighed about 200 pounds. Had no disease and was not sick.

That during his whole sickness he was troubled about retaining food in his stomach; that many times he was able to eat quite hearty, and as soon as he arose from the table would be obliged to vomit it all up. And I believe this difficulty in his stomach was contracted while in the Army; and the other diseases of which he obtained a pension for so aggravated this that at last it became his principal trouble, and for months before he died he could retain nothing in his stomach but a small amount of liquid food, and at last literally starved to death, and it was pronounced by the physicians in attendance at the *post-mortem* examination to be cancer in the stomach; and I firmly believe that this difficulty was fomented, aggravated, and produced an abnormal growth by the other diseases, to wit, the chills and fevers and chronic diarrhea; that the physicians who attended my husband while in the Army, Dr. Thomas Sanborn, and, after he returned from the Army, said Dr. Thomas Sanborn, and Dr. Mason Hatch, are now both dead; but the affidavits of both these physicians, I believe, and also that of Dr. John L. Swett, are on file in the Pension Office in this very case, No. 32178, to which reference may be had in the present application. I further state that I was dependent on my husband for support, and am now in need of the continuance of the pension for my comfort and maintenance and support.

LINA J. STEARNS.

STATE OF NEW HAMPSHIRE, *Sullivan, ss:*

DECEMBER 6, 1882.

Personally appeared Lina J. Stearns, and made oath that the above affidavit, by her signed, is true, and I certify that the same was read over to the affiant before signing, and that the affiant is respectable and entitled to credit, and that I have no interest in the prosecution of this claim for pension.

Before me.

S. L. BOWERS,
Justice of the Peace.

I, Shepherd L. Bowers, of Newport, in the county of Sullivan and State of New Hampshire, on oath state and depose as follows, relating to the application of Mrs. Lina J. Stearns for pension on account of the pension received by her husband in his lifetime under No. 32178 of the pension rolls; that I knew her husband, Oliver F. Stearns, from September, 1855, to the time of his death, April 2, 1878; that I was one of his nearest neighbors during all that time; that I saw him nearly every day previous to his enlisting in the Army; that I never saw or knew of a sounder man. His health was of the very best. He was always at work, and of the hardest kind of work, such as building stone wall, lifting timber, moving buildings, farming and butchering. He was the hardest working man in our village up to the day he went into the service. I saw him no more after his enlistment till he came home and was discharged. He was then sick, poor in flesh, no appetite, no strength, and was unable to do but very little work; in a word, he was the mere wreck of the man he was before he went into the Army. I saw him often from that time, say nearly every day, till he died, and I am confident he never did a fair day's work after he came out of the Army, although he worked, being very ambitious so to do, harder than he had strength to endure. I know he complained that he could not retain his food in his stomach for several years before he died. Indeed, he complained of this as soon as he was brought home, and that particular difficulty followed him up to the time he died. I know he had the chills and fever, and chronic diarrhea severely, and I am sincerely in the belief it was these diseases that produced the abnormal growth of the cancer in the stomach. I do not believe he ever would have died of cancer in the stomach unless it had been aggravated by the malarial poison he took into his system while in the Army.

I have known Mrs. Lina J. Stearns, the widow of said Oliver F. Stearns, as long and as well as I knew him, and I can truly and cheerfully bear testimony that she is a lady of irreproachable moral character, and is a most deserving woman; that she

very hard to support herself, and is in absolute need of a pension as the widow ave and faithful soldier, who gave his life for the cause of the country. She pendent on him for her support while he lived, and he left no property after his honest debts. I further state that she is a person entitled to full credit, at I am not interested in the prosecution of her claim for a pension.

SHEPHERD L. BOWERS.

OF NEW HAMPSHIRE, *Sullivan, ss:*

DECEMBER 6, 1883.

onally appeared the above-named Shepherd L. Bowers, and made oath that egoing affidavit by him signed is true. I further certify that the affiant is reble, and entitled to credit, and that I have no interest in this claim for pension. re me.

GEO. E. DAME,
Justice of the Peace.

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homas Sanborn, of Newport, in county of Sullivan, and State of New Hampshire, h state that I am a physician and surgeon and have been in practice 8 years; am now United States pension surgeon; that on 2d day of April, 1878, I was to the house of Oliver F. Stearns in Newport; that when I was there he lay in the house. He was examined, and there was found colloid cancer in the h. I further state that it is my opinion that this trouble which ended his days have been and probably was aggravated by the other diseases, which, I under- were chills and fever and chronic diarrhea, and that these other diseases caused ion in the stomach and bowels and would operate to bring out any abnormal h. I further state that I knew said Stearns before he enlisted, and never knew ng but he was a sound man then; and further, after he came back from the I know he was sick and suffered from malarial poison, and I prescribed for him ime to time during his sickness. I further state that I have no interest in this

THOMAS B. SANBORN.

OF NEW HAMPSHIRE:

SULLIVAN, *November* 23, 1883.

onally appeared the above-named Thomas B. Sanborn and made oath that the affidavit by him signed is true; and I further state that the said affidavit was ver to him before signing, and that he dictated the same when it was written, at the said affiant is respectable and entitled to credit, and that I have no in- in the prosecution of this claim.
re me.

S. L. BOWERS,
Justice of the Peace.

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avid M. Currier, of Newport, State of New Hampshire, do hereby depose and at I am a physician and surgeon; that I have been in the practice of my profes- fteen years; that in the winter and spring of 1878 I attended Oliver F. Stearns, ly private Company F, Sixteenth Regiment New Hampshire Volunteers, and is death made a post-mortem examination of his body, and found that he died cer of the stomach; that by what I know of the family generally, and this case ticular, it is my opinion that it is very probable that the cancer of which he as the result of the malarial poisoning and chronic diarrhea with which he was d and for which he received a pension under claim No. 32178. I further state no interest in the prosecution of this claim.

DAVID M. CURRIER.

OF NEW HAMPSHIRE, *Sullivan, ss:*

DECEMBER 4, 1883.

onally appeared the above-named David M. Currier, and made oath that the ing affidavit, by him written and signed, is true, and I further state and certify e affiant is respectable, and entitled to credit, and that I have no interest in ecution of this claim for pension.
re me.

S. L. BOWERS,
Justice of the Peace.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1484.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5309.]

The Committee on Pensions, to whom was referred the bill (H. R. 5309) granting a pension to Charles Milk, have examined the same, and report, recommending its passage.

[House Report No. 2049, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5309) granting a pension to Charles Milk, report:

The claimant enlisted in the military service of the United States as a private in Company B, One hundred and fifty-second Regiment Indiana Volunteers, February 16, 1865, and was honorably discharged August 30, 1865.

May 3, 1875, he filed a declaration for pension, alleging that in May, 1865, while acting under orders going to Summit Point, Va., he was thrown from his horse and kicked on the shin bone of the left leg, causing a permanent sore, which was rejected June 7, 1877, on the ground of no record and claimant's inability to furnish testimony of eye-witnesses.

The claimant was alone at the time of receiving the injury, but the circumstances surrounding the case, in the fact that it is clearly shown that the soldier was injured at the time and while going to the point alleged, sufficiently establish the incurrence of the injury in the service and in line of duty. The continuance of the disability from this injury is conclusively shown by intimate acquaintances and neighbors of the soldier, as well as the physicians who have treated him from time to time.

The case was specially examined, and it is shown by the evidence then taken that some twelve years before claimant's enlistment, while he was a small boy (some eight years old), he cut his left leg at the knee with a corn-cutter, but received no permanent injury. The evidence is conclusive as to the soundness of the soldier prior to and at the time of his enlistment.

Your committee are of the opinion that the evidence establishes the origin of the soldier's disability while in the military service of the United States and in line of duty, and therefore recommend the passage of the accompanying bill, amended, however, by striking out all after the word "volunteers," in line 6 of said bill, down to the word "subject," in line 8.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1485.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2359.]

The Committee on Pensions, to whom was referred Senate bill 2359, granting a pension to Joseph Raible, have examined the same, and report recommending its passage.

[House Report No. 1687, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions to whom was referred the bill (H. R. 3947) granting a pension to Joseph Raible, report:

That Joseph Raible enlisted in the military service of the United States as a private in Company A, Thirty-second Regiment Indiana Volunteers, September 10, 1861, and was honorably discharged September, 1864.

October 2, 1882, he was placed on the pension-roll at $1 per month, for partial deafness of left ear, contracted in the military service of the United States.

July 3, 1865, after his discharge from the military service of the United States, while in the military service of the State of Indiana, and in pursuance of an order from General Stone, assistant quartermaster-general at Indianapolis, while engaged in aiding in firing a salute in honor of the arrival home for mustered-out of the Sixty-third Regiment Indiana Volunteers, by the fault of thumber No. 3 at the gun (claimant being No. 1 rammer), there was a premature discharge of the gun, blowing off the soldier's right arm, which was amputated three inches above the elbow.

It is shown by the evidence in this case that the soldier was acting under orders from Assistant Quartermaster-General Stone, of the United States Army, on duty at Indianapolis, at the time of receiving the disability which resulted in the loss of his arm, and that he was performing a military duty at the time. Your committee therefore recommend that the bill be amended by the following, after the word month, in line 9: "in lieu of all other pensions now paid him"; and when so amended that the bill pass.

CONGRESS, } SENATE. { REPORT
Session. } { No. 1486.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

LAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4393.]

) Committee on Pensions, to whom was referred the bill (H. R. 4393) ing increase of pension to Nathaniel Johnson Coffin, have exam- he same, and report recommending the passage of same.
) following contains the facts:

[House Report No. 2511, Forty-eighth Congress, second session.]

mmittee on Pensions, to whom was referred the bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin, submit the following report:

tenant Coffin is a hero of two wars, and his physical and mental condition en- m to the kind consideration of his country. May 4, 1847, he enlisted for serv- he Mexican War. He served as a private until the war ended, and received a for gallant conduct at the storming of Chapultepec. An honorable discharge ven him August 2, 1848. Lieutenant Coffin again enlisted, September 27, 1862, ivate in Company K (Capt. M. T. Betton), Thirteenth Regiment New Hamp- olunteers, to serve in the late rebellion. He was promoted to be first lieuten- said Company K early in 1863. Afterwards, in May, 1863, while stationed is company on the banks of the Nansemond River, in Virginia, to check the 's advance on Norfolk, he received a wound on the skull, which probably caused ure of bone on the brain.

wound, it is claimed, induced severe and continued pains in the head, mental ion, and a partial loss of memory for several years. At any rate, in conse- tnereof Lieutenant Coffin resigned his command, and was honorably dis- d June 9, 1863, at Fortress Monroe.

e is in evidence an affidavit of Captain Betton, commanding Company K, enth New Hampshire Volunteer Infantry, who states that Lieutenant Coffin sound body and mind at the time he was mustered into service; that "when discharged he was subject to insanity, and other ways sick in quarters, from s received while in the performance of his duties on picket on Nansemond in Virginia, in May, 1863, when Norfolk was threatened by the enemy; that J. Coffin, then promoted to first lieutenant under my command, was seriously ed on the head at the above-mentioned time while in the performance of his actual service."

amin F. Winn swears that he "was a subordinate officer under Lieut. Nathan- Coffin while picketing on the Nansemond River, in Virginia, and herein states id lieutenant was wounded on the head in an engagement on the picket line month of May, A. D. 1863."

Senate Committee on Pensions, during the first session of the Forty-seventh ss, made an extended report on this worthy case, the voluminous facts thereof well condensed. The Senate report concludes as follows:

e fact seems to be that claimant is demented to an extent of incapacity; that ppears to be reliable evidence of his being sound mentally and physically at e he was mustered into service, and became demented while in such service is wounds in the head or otherwise. The medical evidence regarding his wounds e effect that he bears scars on the spot of the alleged wound, but the physi- re unable to say how such scars were received, whether from a wound in battle or

not; that a portion of the bone seems to press on the brain, and that the claimant is very sensitive to any pressure upon this spot. There is an uncertainty existing as to how he received his wounds, as the claimant himself can only say that he was wounded in some way while on the above-stated picket-duty, and became insensible at that time; can give no particulars in the premises as to how the wound was received, but alleges having been wounded at the time and place designated."

There is a mass of affidavits and other facts which leave no doubt of the justice of Lieutenant Coffin's claims. He lost his health in the service, and now in his old age is entirely unable to earn a living. The committee therefore recommend the passage of the bill, with an amendment increasing his pension to $20 a month.

O

CONGRESS, } SENATE. { REPORT
Session. } { No. 1487.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

'AN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7177.]

Committee on Pensions, to whom was referred the bill (H. R. granting a pension to William H. Kinman, have examined the and report that the facts as stated in the following House report rrect:

[House report No. 1904, Forty-eighth Congress, first session.]

mmittee on Invalid Pensions, to whom was referr d the bill (H. R. 7177) granting a pension to William H. Kinman, submit the following report:

soldier enlisted July 25, 1861, in Company F, Thirty-fourth Regiment of Ohio eers, and was discharged March 27, 1862, for disability. March 3, 1876, appli- was made for a pension on the ground that at Barboursville, W. Va., he con- Lung fever on or about November 1, which resulted in disease of the lungs. plication was rejected on the ground that the disability existed prior to enlist- he only evidence of disability being the statement of the captain of the com- his certificate of disability that "he has been afflicted for about eighteen with lung disease." On the other hand, Mrs. Miriam Williamson, M. D., says: claimant's family physician and was frequently in attendance upon the different rs of the family (specially on the father); that she had good and frequent op- ity to know of condition of claimant prior to and at the date of his enlistment Army; that he was to all appearance, and from her knowledge of him at that sound and able-bodied man, free from lung disease; that had he had any lung she wou d have known it." The postmaster at Waynesville, Warren County, ays: "Mrs. Williams is an excellent lady, who is a regular physician, having l with her husband, and her character is unimpeachable.

Dodge testifies that he had known the claimant from 1857 to time of enlist- nd considered him a strong, healthy man. The postmaster says: "He is a good, l man." Mary and J. A. Malony say they had known claimant for four years enlistment; boarded in the same family with him, and, to the best of their dge, he was not troubled with lung disease. The postmaster speaks in high f the character for truth and sincerity of these witnesses. W. F. Rosenboyer, de in the same company, says claimant was taken down with lung fever at rsville, in December, 1861, and he was left under treatment of Dr. Clark, one egimental surgeons. G. W. Ebright, another comrade, testifies that they had long, hard march of over 100 miles, and that in consequence of the exposure rdship of this march claimant was taken sick, and that he never recovered. Dr. assistant surgeon in charge, testifies to having treated him during his sick- The testimony is full and complete that he never fully recovered; that he was to do any further service in his command; that he was discharged the follow- rch, has been an invalid ever since, and that he is now sick and poor. The ould doubtless be allowed without hesitation in the Pension Department were or the unfavorable statement of the captain of the company in the certificate ility.

committee believe that the strong evidence by unimpeachable witnesses to trary ought to have been received and the pension ought to have been allowed. mitting that claimant's lungs were weak when he enlisted, it is evident that g marches and exposure to inclement weather severely injured his health, and early entitled to relief during the very few years yet remaining to him. Your tee heartily recommend the passage of the bill.

O

TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1488.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7178.]

The Committee on Pensions, to whom was referred the bill (H. R. 7178) granting a pension to John O. Gardner, have examined the same, and report as follows:

The report submitted to the House on said bill by the Committee on Invalid Pensions of that body states the facts in this case, which report is adopted and herewith incorporated as a part of this report, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7178), to increase the pension of John O. Gardner, submit the following report:

Claimant enlisted September 22, 1861, in Company A, Ninth Maine Infantry, and was honorably discharged August 4, 1865, having served faithfully for nearly four years. December, 1879, he applied for a pension, alleging that about the 18th of July, 1863, he was injured and wounded by a ball from the enemy's lines, which struck in his cartridge-box and threw him violently to the ground, causing injury to his spine and back. This occurred near Fort Wagner during the siege of that fort. Also wounded in the hand August 22, 1863; also on the 20th day of May, 1864, he was wounded in the shoulder by a ball during an attack by the Confederate forces at Bermuda Hundred, Va.

On account of these wounds he was transferred to the Veteran Reserve Corps. He was allowed pension for the gunshot wound of right shoulder at rate of $2 per month, but his claims for the other and far more serious injuries were not allowed, because he was unable to show medical treatment in service and at time of discharge.

Dr. A. G. Peabody, who treated the soldier from 1865 to 1867, is dead, and his testimony cannot be had. The hospital records say, "was wounded severely in shoulder at Bermuda Hundred, May 20, 1864," but do not mention his other injuries.

Lieut. S. A. Doten testifies:

"The Army was retreating, and a bullet from the enemy's gun struck the cartridge-box of applicant, which he had thrown back across the small of his back where the injury was received. This was, as near as affiant can recollect, about July 18, 1863."

Affiant says he was personally present and speaks from personal knowledge of the facts.

Several of claimant's old neighbors testify that when he returned from the service he was so injured in the back that he was unable to resume his work in the mills. Claimant testifies that he was treated for the wound in the back by Surg. Delon H. Abbott. Dr. Abbott says he remembers treating applicant, but cannot recall the particulars, and is unable to state what he treated him for.

Dr. W. D. Lewis testifies:

"That he has known applicant intimately since 1871; that during all that time he was suffering more or less from affection of the spine, and was disabled at least three-fourths. Have treated said John Gardner for injury to the spine, said to be caused by gunshot striking the cartridge-box, which seems to have caused concussion of the spine. Has been entirely unable to work at his trade for seven weeks."

Dr. A. M. Vail testifies that he treated applicant from 1878 to 1880, for weak back,

which he diagnosed as "chronic spinal congestion," and that he was disabled at least three-fourths.

Dr. E. W. Bliss, examining surgeon at Hiawatha, also speaks of the injury to the back, and rates it at one-half disability.

There seems to be little reason to doubt the origin and continuance of the disability, and yet it is not as clearly established as the rigid rules of the Pension Office require. The soldier was three times wounded on the battle-field. He is unable to perform manual labor and has a family dependent upon his daily labor for support. Your committee recommend the passage of the bill.

There is positive testimony showing the incurrence of the claimed injury in the service and in the line of duty, and its continuance with increasing severity to the present time. Your committee therefore report the bill back with the recommendation that the bill do pass.

O

TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1489.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

r. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7503.]

e Committee on Pensions, to whom was referred the bill (H. R. 7503) for the relief of Daniel McAlpin, having considered the same, respectfully report:

That claimant enlisted on the 25th of May, 1814, when a mere boy fifteen years of age, to serve five years, or during the war—war 1812. Claimant served until March 15, 1815, on which date he obined permission from his officer to go home to visit a dying mother, d with the understanding, as he stated, that, as the war was then over, need not return unless notified to that effect. The report made on is bill by the House committee states the facts in addition to the ove, which is herewith adopted and incorporated in and made a part this report, as follows:

[House Report No. 2106, Forty-eighth Congress, first session.]

e Committee on Pensions, to whom was referred the bill for the relief of Daniel McAlpin, respectfully report:

The records show that Daniel McAlpin enlisted on the 25th day of May, 1814, in e Sixteenth United States Infantry, for five years, war of 1812. He was present r duty up to February 28, 1815. On the April rolls he is reported as having derted March 15, 1815. His claim was rejected by the Pension Office on that ground. aimant says that he enlisted for five years or the war; that the war being over in arch, 1815, he applied for leave to go home to see his sick mother; that his captain anted the furlough, and told him he could stay home until he called for him, and at he was never called upon, and had no knowledge that he was reported a deserter til he was so informed when he made his application for pension.

Your committee recommend that the charge of desertion be removed from this old dier, and that he be allowed a pension for his few remaining years. They therefore offer a bill as a substitute for H. R. 6950, and recommend that it do pass.

It is well known that peace had already been declared when the bat- of New Orleans was fought on January 8, 1815, and the Pension fice recognizes officially the close of the war of 1812, as February 17, 15.

In view of the fact that the soldier served faithfully until March 15, 15, as shown by the records of the War Department, there is no premption of intentional desertion, and your committee take pleasure doing this tardy act of justice to an aged veteran, and recommend at the bill do pass.

O

TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1490.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

r. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2085.]

The Committee on Pensions, to whom was referred the bill (H. R. 85) granting a pension to Joseph McIntosh, have examined the same d report that the facts as stated in House Report No. 838 are correct.

[House of Representatives, Report No. 838, Forty-eighth Congress, first session.]

e Committee on Invalid Pensions, to whom was referred bill H. R. 2085, having considered the same, beg leave to report:

That Joseph McIntosh was mustered into the service of the United States on the 1 day of October, 1861, as a private in Company F, Thirty-ninth Regiment Illinois fantry Volunteers, and discharged for disability May 17, 1862.

We find that at the time of his enlistment he was forty-five years old; and we find om the testimony of his captain, first lieutenant, and other witnesses, that at such ne he was a strong, healthy, vigorous man, with good eyes and sound body.

Upon the 17th day of May, 1862, he was discharged upon this certificate of disality, made by the surgeon of his regiment, who was then in charge of general hostal at Strasburg, Va.:

"I certify that I have carefully examined the said Joseph McIntosh, of Captain enuicott's company, and find him incapable of performing the duties of a soldier, cause of general debility, resulting from old age and exposure during the past inter. Said McIntosh is now so feeble that he is totally unfit for any service whatver."

We further find that almost immediately after reaching home Mr. McIntosh made application to the Government for a pension, alleging as reason therefor disease the lungs and malignant sore eyes, and in support of his application, with other idence, he filed, in January, 1863, the testimony of an examining surgeon, who cerfies that he finds the applicant "totally incapacitated for obtaining his subsistence manual labor," and he says he thinks, from the condition of the claimant and from her evidence, "that the said disability occurred in the service aforesaid in the line duty," and he says the—

"Disease, inflammation of both eyes, with granulations; eyes very red and painful this time; can see but little; is compelled to keep indoors; has not done an hour's ork since his discharge; ought to be relieved within a year from discharge."

The testimony further shows that from such time to the present his eyes have own worse instead of better, and in March, 1883, the board of examining surgeons Topeka, Kans., certifies that the pupil of claimant's "left eye is contracted and es not respond to changes of light; there is also opacity of cornea with cicatrix, sult of ulceration; right eye has a conical cornea with slight opacity; vision of left e entirely destroyed; right eye can see No. 32 test-type. No physical or objective gns of disease of lungs," and they rate him, upon their examination, as follows:

"Rated on total blindness, left eye, one-half; rated on partial blindness, right eye, ree eighths; rated on disease of lungs, nothing," and they conclude by saying that from the condition and history of claimant it is our opinion the disability was in-

curred in the service, as claimed, and that it is not aggravated or protracted by cious habits. We find the disability as above described to entitle him to seven-eight rating."

The testimony also shows that about the 1st of April, 1862, the claimant was tak sick with pneumonia, and about the 15th of the same month, becoming convalesce he went on duty in the general hospital at Mount Jackson, Virginia. That dur the retreat of General Banks he assisted in caring for the sick and wounded, and fr almost constant labor and exposure brought on a relapse about the last of April, 18 and with the relapse came inflammation of the eyes—first commencing in the ri eye and then extending to both; and growing worse, they assumed a granula chronic form, rendering him nearly blind, when on the 17th day of May he was charged, as heretofore shown. The evidence is very clear that, from almost the d of his discharge to the present, he has suffered greatly with his eyes, and has be almost totally incapacitated from work; that they have baffled the skill of physicia and now in his old age he is in penury and want, and almost totally blind. The te mony shows the claimant to be an honest, temperate, reliable man, but from se cause the examining officer of the Pension Office thought the testimony did not clea show the disease of the eyes to have been contracted in the service, and finally jected his claim in 1883.

We think the claim a meritorious one, and recommend the passage of the bill.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1491.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8187.]

The Committee on Pensions, to whom was referred the bill (H. R. 8187) granting a pension to Chancey G. Darrah, submit the following report:

The report of the Committee on Invalid Pensions of the House gives ı ciear and impartial statement of the facts in this case, and is herevith submitted and made a part of this report, with the recommendation hat the bill pass.

Your committee find that Chancey G. Darrah enlisted on the 15th day of May, 861, in Company G, Sixteenth New York Volunteers, and was honorably discharged ı November, 1862, after eighteen months' service, for valvular disease of the heart. laimant alleges that he was injured October, 1861, while engaged, with others, in e erection of Fort Ellsworth, by the team with which he was hauling logs starting ddenly, knocking him down, and dragging the log over him, injuring his back and les. Again, in the early part of June, 1862, he was, on the Peninsula, not far from hite House Landing, while loading an ambulance, by the team being suddenly backed, ured in the back. He was taken to the hospital, where he remained some three or ır weeks. The hospital records show that he was sick in hospital during this time, t neglect to describe the disability. After his discharge, in November, 1862, he urned to his home, and in the following June, notwithstanding his faithful service eighteen months, and without regard to his disabilities, he was drafted into Comny F, Ninety-fifth New York Volunteers. A few months later he was transferred the Veteran Reserve Corps "by reason of chronic inflammation of the loins." On e 23d day of May, 1864, he was again discharged from the service because of "inries inflicted in the lumbar region of the spine, by an ambulance passing across his ck. This accident occurred in the line of duty prior to his second enlistment; disility total."

The officers of the company testify that they knew of the injury soon after it was ceived, but were not eye-witnesses to it. Dr. Barnes testifies that he has known aimant for forty years; that on his return from the service he treated him for an jury to the back, and that it has continued ever since. Dr. Sidney Mitchell, jr., stifies to treatment from April, 1882, to October, 1883, for injury to back. The nsion Office refuses to allow the claim without positive proof that the injuries were curred in the line of duty. The claimant was at the time of the last injury on deched duty; his associates were men from different regiments, and it is impossible r him to get any trace of them. There is absolutely nothing in the evidence to ise a presumption that he was not in the line of duty.

Claimant for more than twenty years has been a sufferer from this disability. Years o he was urged by his neighbors and by members of his own family to apply for a nsion. It would then have been much easier to obtain the necessary evidence, but th a sturdy independence he declared that he would never ask the Government for ollar while he was able to obtain his livelihood by his own efforts, and it was not May, 1883, when he found himself unable to support himself, that he consented to ke an application. He is now broken down in health and needy.

our committee recommend the passage of the bill.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1492.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7340.]

The Committee on Pensions, to whom was referred the bill (H. R. 7340) granting a pension to John Sparr, have examined the same, and report:

John Sparr served as a private in Company C, Third Regiment New York Cavalry, from September 28, 1864, to July 12, 1865. He applied for pension February 24, 1879, alleging disability on account of injury to right leg by reason of the fall of his horse while chasing a Confederate mail carrier near Portsmouth, Va., in March, 1865, which injury resulted in varicose veins and weakness of leg. The claim for pension has been rejected because there is no record of the alleged injury, and claimant is unable to furnish the testimony of officers or comrades as to its incurrence, or medical evidence of treatment in service or at discharge, and the evidence on file is deemed insufficient to corroborate claimant's allegations.

It appears that the claimant was one of a detachment made up of different commands, sent out on a raid across Blackwater River, at the time of the injury, and not being acquainted with his companions he is unable to furnish the testimony of an eye-witness. The captain of claimant's company testifies, however, that claimant's injury at the time alleged was, at the time of the latter's return to the company, reported to the affiant. The leg was swollen and sore, and soldier thereafter was excused from drill. The affiant had no doubt of the truth of claimant's statements in the matter.

Claimant states that he was treated in Camp Getty for the injury, but does not remember the name of the surgeon.

William Doring and Charles J. Sparr, neighbors, who are shown to be credible witnesses, testify that upon his return from the Army soldier was lame, and an examination of the leg showed that it was swollen and blue from the right knee to the foot.

Dr. Billings, who treated claimant from his discharge until 1872, is dead. Subsequent treatment is shown by the affidavits of the attending physician.

That claimant was sound at enlistment cannot be doubted upon the evidence on file.

The action of the Pension Office in rejecting the claim because of tl absence of the testimony of an eye-witness to the injury, and of mec cal treatment in the service, was undoubtedly proper under its rul governing the adjudication of pension claims; but in view of the fac shown, your committee are of opinion that great injustice would done a worthy soldier by insisting upon a strict compliance with su rules, and believing that he, by the best attainable circumstantial e dence, has established his title to a pension, we report favorably on tl bill, and ask that it do pass.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1493.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4458.]

The Committee on Pensions, to whom was referred the bill (H. R. 4458) granting a pension to Harlan Jackson, have examined the same, and report that Jackson was badly wounded in the service, and recommend passage of the bill.

C

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1494.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7933.]

The Committee on Pensions, to whom was referred the bill (H. R. 7933) granting a pension to Henry Biederbick, have examined the same, and report:

That they recommend the passage of the bill for the reasons set forth in the House report, which is as follows:

[House Report No. 2469, Forty-eighth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7933) granting a pension to Henry Biederbick, having considered the same, report as follows:

The wonderful story and terrible sufferings of Lieutenant Greely and the men of his command, and their gallant rescue by Commander Schley from the very jaws of death, to which it seemed the adventurous explorers were doomed in the Arctic seas, has been so often told and has become so thoroughly a part of the history of the times that it is unnecessary to repeat it here to give force to the claim of Henry Biederbick, Lieutenant Greely's hospital steward, who is shown to have exhibited great courage and fortitude, and to have performed most important service to his suffering and dying comrades in the greatest extremity. The affidavits and statements following show, in a marked manner, the merits of the claimant's application:

DISTRICT OF COLUMBIA,
City of Washington, ss:

Henry Biederbick, being duly sworn, deposes and says that he was hospital steward of the Lady Franklin Bay Expedition; that in consequence of the duties imposed on him and the exposure suffered by him on said expedition he has become physically disqualified from performing any manual labor whatsoever, and that some of his limbs, and especially his right hand, have become permanently disabled by rheumatism, contracted in the line of duty, while on said expedition; that before starting on said expedition he was healthy and vigorous, but that since his return he is completely broken down in health, and entirely unfit for performing any duties, and on account of which he was discharged from the Army of the United States on January 6, A. D. 1885, in consequence of surgeon's certificate of disability, a copy of which is hereto annexed; that he believes that as he is not able to perform any manual labor or earn an honest living in consequence of the diseases contracted as aforesaid, that the Government should grant to him a pension adequate to sustain him during the remainder of his life, and he therefore respectfully requests the passage of the bill now pending before the committee of the House of Representatives for his relief. That he first enlisted in the service of the United States on June 14, A. D. 1879, and that he was selected as one of the members of the Lady Franklin Bay Expedition, and which sailed in June, 1881, and that he re-enlisted, near Cape Sabine, June 14, 1884.

HENRY BIEDERBICK.

Subscribed and sworn to before me this 27th day of January, A. D. 1885.

THOMAS W. SORAN,
Notary Public.

STATE OF NEW YORK,
County of Kings, ss:

Henry Biederbick, being duly sworn, says that he enlisted in the service of United States Army on June 14, 1879, that he served with the late Greely Arctic I pedition to Lady Franklin Bay, from June, 1881, to the subsequent rescue; that health was impaired while on said expedition to such an extent that it necessita his discharge on January 6, 1885, on surgeon's certificate of disability; that he is n suffering from rheumatism, some of his limbs being stiff and permanently disabl also that he suffers from irritation of the heart and weak eyes; said disabilities p venting him from doing manual labor; that said disabilities were wholly contrac while serving in the United States Army, while on said expedition.

HENRY BIEDERBICK

Sworn to before me this 19th day January, 1885.

MARION GRIMES,
Notary Public, Kings Co., N. I

ARMY OF THE UNITED STATES.

To whom it may concern:

Know ye that Henry Biederbick, a hospital steward (first class) of the United Sta Army, who was enlisted the 14th day of June, 1884, to serve five years, is hereby charged from the Army of the United States in consequence of surgeon's certificat disability.

Said Henry Biederbick was born in Waldeck, in Germany; is twenty-six year age, 5 feet 6¼ inches high, fair complexion, blue eyes, sandy hair, and by occupati when enlisted, a soldier.

Given under my hand at Washington, D. C., this 6th day of January, in the y of our Lord 1885.

W. B. HAZEN,
Brig. and Bvt. Maj. Gen., Chief Signal Officer, U. S. A

Is not married. Character, excellent.

W. B. HAZEN,
Brig. and Bvt. Maj. Gen., Chief Signal Officer, U. S. A

DISTRICT OF COLUMBIA,
City of Washington, ss:

I hereby certify that the within is a true copy of the discharge of First-Class H pital Steward Henry Biederbick from the United States Army, and that he exhibi the original discharge to me.

In testimony whereof I hereunto set my hand and notarial seal this 27th day January, A. D. 1885.

[SEAL.] THOMAS W. SORAN,
Notary Publ

[Office of Attending Surgeon and United States Army Dispensary.]

WASHINGTON, D. C., *January* 14, 1885

I certify that Henry Biederbick, late first-class hospital steward, U. S. Army, w under my professional care for the period of about two months, suffering with rh matism, irritable heart, and asthenopia, said affections having been contracted the line of duty and in service while in the Arctic regions with the Lady Frank Bay Expedition, and that he was honorably discharged the service of the Uni States therefor, on surgeon's certificate of disability, and is in my opinion entit to a pension.

P. F. HARVEY,
Assistant Surgeon, U. S. Arm

1909 I STREET, WASHINGTON, D. C.,
January 13, 188

MY DEAR MR. MULLER:

I understand that you have taken a kindly interest in a bill giving a pensio Henry Biederbick, late hospital steward of my expedition. Mr. Biederbick's ability, only a part of which is externally evident, arose entirely from unremitting arduous attention to duty while caring for his sick and disabled comrades under a trying and adverse circumstances. During our terrible year at Sabine he invaria

taxed his strength to the utmost, and positive orders were frequently necessary to prevent him from entirely breaking himself down. It seems to me that self-denial and fidelity to his sense of duty when shown under such trying circumstances should be fitly recognized. I trust your efforts will be successful. I write this letter not at Mr. Biederbick's suggestion, but from a sense of justice towards a man who has labored and suffered with me, and with the hope that it may have some weight with the committee having his case in charge. Confinement to bed by illness necessitates the penning of this letter by Mrs. Greely, who writes at my dictation.

I am, respectfully, your obedient servant,

A. W. GREELY,
Late Commander Lady Franklin Bay Expedition.

Hon. NICHOLAS MULLER, *M. C.*

WASHINGTON, D. C., *January* 30, 1885.

DEAR SIR: Referring to the case of Henry Biederbick, late hospital steward of the Lady Franklin Bay Expedition, I have to say that the disability under which Mr. Biederbick labors was contracted entirely in the service of the Government and in the line of his duty. Inflammatory rheumatism has deprived him of the use of the right hand to a great extent, two fingers being badly inflamed and one permanently stiffened. He was discharged for disability. Mr. Biederbick's services as a steward in caring for Sergeant Elison, and other sick and frozen men of my party were most valuable and important. Not only did he display a remarkable amount of courage and devotion to them, but also unselfishness to a marked degree. Frozen, starving, and sick himself, he never failed in his entire devotion to others. I trust a pension may be granted him as a just recognition of his sufferings and privations as well as for his disability.

Respectfully yours,

A. W. GREELY,
U. S. Army.

Hon. JOHN H. BAGLEY, JR., *M. C.*

The committee are of the opinion that as Henry Biederbick was a regularly enlisted man, and is now incapacitated from obtaining a living by his own labor, and in consideration of the fact, also, that he is poor in purse and broken in health, he should have the relief asked, and recommend the passage of the bill, with the following amendment: Strike out all after the word "Bay," in line 8.

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TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1495.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

r. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5191.]

he Committee on Pensions, to whom was referred the bill (H. R. 5191) granting a pension to Augustus Jones, have examined the same, and report:

The principal facts in this case are stated in the report of the House ommittee on Pensions (House Report No. 2094), as follows:

Augustus Jones, of Columbus, Colorado County, Texas, was born at Kaskaskia, L, February 18, 1796, and is now over eighty-eight years old. He served in Capt. enry Dodge's company of volunteers in 1812, and afterwards in Capt. John Scott's mpany of Russell's regiment, and was honorably discharged in 1814. In the war ith Mexico he raised a company and served in Rall's regiment throughout the campaign in Mexico, and was honorably discharged at the close of the war.

February 14, 1871, he was placed upon the pension-rolls at $8 per month. It appears from affidavits of three respectable physicians that said Jones has no means of ipport for himself and wife except his pension, which is his only means of support, nd that he is physically and mentally unable to earn a living, being now nearly lind, and very feeble.

The committee therefore recommend the passage of the bill with the following nendment, viz: In line 5 strike out the word "five," so as to make it read "twenty" ollars per month.

Your committee recommend the passage of the bill without amendment.

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H CONGRESS, 2d Session. } SENATE. { REPORT No. 1496.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4055.]

e Committee on Pensions, to whom was referred the bill (H. R. 4055) ranting a pension to Sarah Tyler, have examined the same, and report:

The facts in this case are briefly stated in the report of the House mmittee on Pensions (House Report No. 1902), as follows:

We find that Sarah Tyler was the mother of William Tyler, who enlisted in Company Fifty-second Regiment Indiana Volunteers, December 26, 1861. The Adjutant-neral's report says, "Frozen to death near Fort Pillow, Tenn., December 31, 1863." Claimant seems to have been unable to satisfy the Pension Department that she s dependent on her son at the time of his death. The evidence shows that Allen ler, the husband of claimant, was seventy-five years old at the time of his death in 3, and for past sixteen years has been unable to work, and the aged couple have en supported by the charity of their neighbors. The claimant is sixty-four years l, feeble, and penniless. The affidavits of six of her neighbors, whose good charac- is certified to by the postmaster, are offered to substantiate the foregoing state- nts. The evidence is entirely satisfactory. The case is a very strong one, and ur committee without hesitation recommend the passage of the bill with amend- nt striking out the words "to date from January 1, 1863," and inserting in lieu reof the words "on the pension roll."

Your committee concur in the above report, and recommend the pas- ge of the accompanying bill.

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8TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1497.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6982.]

The Committee on Pensions, to whom was referred the bill (H. R. 6982) granting a pension to W. H. H. Coleman, have examined the same, and report:

The main facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 1930), as follows:

The committee find by the report of the Adjutant-General that H. Coleman, a private of Company B, Eleventh Regiment Pennsylvania Reserves, was enrolled on the 10th day of June, 1861, for three years at Camp Wright, and reported to February 28, 1862; present up to June 30, 1863, to August 31, 1863; absent sick in general hospital since August 10, 1863; transferred to Company B October 31, 1863; absent, sick, February 29, 1864, to April 30; then present; mustered out with company June 13, 1864, as Wm. H. H. Coleman.

Surgeon-General's Office reports W. Coleman, Eleventh Pennsylvania Reserves, was sent from regimental hospital to Alexandria March 29, 1862—date of admission—and returned to duty May 26, 1862.

Examining Surgeon J. M. Torrence certifies May 31, 1882:

"William H. H. Coleman is one-fourth incapacitated for obtaining his subsistence by manual labor. Claimant's disability, so far as I can judge at present, is due to the so-called muscular rheumatism; symptomatic features, tongue slightly furred; some stiffness in motion."

Examining surgeon board at Kittanning, Pa., in March 7, 1883, find—

"William H. H. Coleman's disability was possibly incurred in the service as claimed, and he is entitled to one-eighth total rating."

Also find the affidavit of Dr. Thomas St. Clair, who says, "I have known William H. H. Coleman before his enlistment and since childhood; was the family physician of his father, and believe him to have been sound when he entered the Army."

Also the affidavits of Henry Miller and Frank Hamers that—

"They are well acquainted with William H. H. Coleman, and have known him since the year 1860; that they knew at the time said claimant enlisted in the Army in the year 1861 he was a sound, able-bodied young man, and have known him since his discharge in the year 1864, and that he has been suffering with rheumatism, and they have often visited said Coleman at his residence and found him confined to his bed with rheumatism, and that he has been afflicted with said disease during all the time since he came home until the present time, and have often seen him so badly crippled with said disease as to be unable to move around."

And the sworn statement of D. H. Lucas, similar to that of the above affiants, Miller and Hamers.

Also comrades J. T. Gibson and G. A. McLain testify that—

"William H. H. Coleman was left in the camp, cannot remember date, but was in the fall of 1863, or spring of 1864, and affiants knew that at the time said Coleman was left in camp he was suffering with rheumatism, and affiant G. A. McLain sayeth that Coleman at the time he enlisted in the Army was a sound, able-bodied man and free from rheumatism. Also affiants further sayeth that said Coleman was detailed

from the company into the commissary department, and that John F. McClain, the regimental postmaster, and Joseph Hoffman, who acted as butcher for commissary department, messed and tented with said Coleman; that they are both dead."

The committee also find twelve letters from prominent citizens of Indiana, Pa., the home of William H. H. Coleman, recommending him for a pension, which letters we would add to this report.

The committee are of the opinion, after considering all the facts in the case, that the claimant is entitled to a pension, and they therefore recommend the passage of the accompanying bill.

A comrade, Mr. H. C. Howard, of Indiana, Pa., states that the claimant passed a rigid examination at his enlistment, and came out of the service a physical wreck. Numerous letters are also filed from neighbors of the claimant in support of his application.

Your committee therefore recommend the passage of the bill without amendment.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1498.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2645.]

The Committee on Pensions, to whom was referred the bill (H. R. 2645) granting a pension to Esther Hudson, have examined the same, and report:

The facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 1837), as follows:

That Esther Hudson was the mother of William H. Hudson, who enlisted as a private in Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and afterward a sergeant of Company E, One hundred and ninety-first Regiment of Pennsylvania Volunteers, serving from the year 1861 to the close of the war.

At the time he enlisted and some years prior he lived with and aided his mother in obtaining a living, and during the time of his service in the Army sent her part of his wages.

It appears on file in Pension Department that the said soldier, in the month of November, 1861, prior to his entering the service of the United States, made a will in which he bequeaths to his mother all his pay, bounty, or money in any way due him; and as evidence that the said mother did receive support from her son, the committee find on file in Pension Department letter from Second Auditor's Office, dated February 19, 1870, notifying Esther Hudson, mother, that certificate had been issued for money due William H. Hudson.

The committee also find from the evidence on file in Department that the Commissioner of Pensions rejected the claim of Esther Hudson because of the marriage of said William H. Hudson some time prior to enlistment, and it is alleged that he never lived with his wife; and it also appears on file in Pension Department that an application for divorce was granted at Philadelphia, Pa., May 7, 1864.

In view of the facts, your committee believe that Esther Hudson was dependent on her son for support, and recommend that the bill (H. R. 2645) do pass.

A. H. Hersey, in an affidavit made in 1881, swears that the soldier had but one child, which died in May, 1873. It would therefore appear that the mother is now the only actual survivor, and has been since 1873. The soldier died, as a result of his disabilities, in November, 1865.

The soldier separated from his wife, as appears from the evidence, in 1855, and then lived with his father and mother. In 1856 the father died, and the son continued to live with his mother and support her. The father was possessed of no property. The evidence would seem to be clear as to the dependence of the mother.

In view of all the facts in this case, and the actual dependence at the death and since, your committee report the bill and recommend that it do pass.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1499.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 838.]

The Committee on Pensions, to whom was referred the bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins, have examined the same, and report:

That the facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 2101) as follows:

Lydia S. Huggins, the beneficiary in the bill, is now seventy-one years of age; is the widow of Alexander Huggins, who deceased about September 5, 1866, and the mother of Rufus A. Huggins, who served as a militiaman in Captain Flandreau's company, Minnesota Militia, in the Indian outbreak in the year 1862. He was wounded at New Ulm Mine, in August of that year, and died from the effects of said wounds on or about December, 1862.

That at and prior to his death the mother was in part supported by labor of the son, who carried on the work of the farm, the father being at that time and since 1858 able to do but little work. Mrs. Huggins applied to the Commissioner of Pensions for pension June 11, 1882, but was rejected, as shown by a letter of the Commission to Hon. Goldsmith W. Hewitt, chairman of the Committee on Pensions, of date May 28, 1884, upon the ground that the soldier was a militiaman, and the claim was not filed and prosecuted to successful issue prior to July 4, 1874, as required by paragraph 3, section 4693 of the Revised Statutes of the United States.

It is the judgment of this committee that the lady should be placed upon the pension-roll, subject to the provisions and limitations of the pension laws, and they therefore recommend the passage of the bill.

Your committee recommend the passage of the bill without amendment.

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TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1500.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

r. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8829.]

he Committee on Pensions, to whom was referred the bill (H. R. 8229) granting a pension to James Dye, have examined the same, and report:

That the facts in this case are set forth in the report of the Committee n Invalid Pensions of the House of Representatives (House Report No. 569), as follows:

We find that claimant enlisted in Company C, Twenty-first Regiment of Missouri Volunteers, July 13, 1861, and served faithfully until June 16, 1865. In March, 1880, he made application for pension, alleging that while a prisoner of war at Andersonville he became afflicted and broken down in health by reason of exposure, resulting in disease of the lungs and rheumatism. The records of the War Department show that he was captured at Eastport, Miss., January 8, 1865, and confined at Andersonville until April 28, 1865, nearly four months. The evidence is conclusive that up to this time this soldier had been all of the time in active service. In his statement claimant says that on his march from the place of capture to Andersonville prison they were obliged to march through swamps from ankle deep to armpits, and during the march his limbs, feet, and knees became swollen and intensely painful, and he contracted a heavy cold, which seemed to settle on his right lung; that these disabilities have troubled him even since. He further testifies that Dr. Sanders, of Memphis, Mo., who has since died, treated him for lung trouble and rheumatism during 1865; that Dr. Boyar, of Marion County, Kansas, who died from a stroke of lightning, treated him from 1870 to 1875.

William A. Weaver and H. H. Kellar testify that they saw claimant at time of his discharge, and that he was badly broken down physically and in very poor health, and for the next two years was almost wholly incapacitated for labor.

Levi Pennick testifies that he saw claimant at Canton, Mo., about the 20th of June, 1865, and that he was then nothing but a skeleton, and was totally unfitted for any labor, and that he has been more or less disabled ever since. Drs. Flippin and Kermodle testify to treatment for chronic lung trouble and rheumatism since 1879. These physicians, in letters to the Pension Department in answer to office inquiries, speak of the soldier as suffering severely from lung trouble, and add:

"He has been growing worse, till at present he is not able to perform any manual labor whatever. Don't think he can exist many months longer as he is in a very precarious condition."

There are a dozen affidavits showing the continuance of the disease since 1865. The case was rejected by the Pension Department because there was "no record of treatment for the alleged disease of lungs and rheumatism in the service, and claimant's declared inability to furnish medical evidence of the said disease at discharge and since up to 1870." There is no medical evidence at discharge or for several years after, but claimant states that Dr. Sanders and Dr. Boyar, who treated him, are dead. He shows by several witnesses that the disease existed at the time of his discharge, and by a large number that it has continued since. He proves by his officers and comrades that before his capture he was an exceptionally strong man, and his three years and a half of active service prior to his capture, without a hospital record, shows that he was a valuable soldier. He is now helpless and needy. Your committee feel

that the case ought to be reopened in the Pension Department and allow
thus giving him his arrears. They earnestly recommend the passage of the bi
act of justice to a worthy soldier has been retarded, and an adverse report
submitted through the carelessness of the Pension Department in sending
your committee that no application had been filed in this case, when in fact
cation was filed in March, 1880, and a large amount of evidence has been su

Your committee do not think that the strict rule of the Pensio
under which this claim was rejected because there is "no re
treatment" for the disability alleged, should be applied in a ca
this where the claimant was in a rebel prison when the war clo
pecially as he was discharged within two months after his relea
prison. At that period good soldiers, such as this man was, we
anxious to get home to their families than to get into hospital t
a record for pension. He served four years faithfully without
into a hospital, and then he got into a rebel prison against l
That he was severely disabled when discharged cannot be d
That he was sound on enlistment is clearly proven, and his di
continues.

Your committee recommend the passage of the bill without
ment.

O

CONGRESS, } SENATE. { REPORT
Session. } { No. 1501.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

TCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7169.]

ommittee on Pensions, to whom was referred the bill (H. R. 7169) ting a pension to Elizabeth Kaler, have examined the same, and re- :

facts in this case are stated in the report of the House Committee alid Pensions (House Report No. 1690), as follows:

the claimant in this case is Elizabeth Kaler, step-mother of George W. Kaler. listed in the military service of the United States as a private in Company E, seventh Regiment Indiana Volunteers, August 9, 1862, and was discharged er 6, 1862, on surgeon's certificate of disability. November 11, 1864, he again the military service of the United States as a private in Company E, Eighty- Regiment Indiana Volunteers, and died in Post Hospital, Richmond, Va., May , of typhoid fever. The soldier was never married.
mber 19, 1879, Elizabeth Kaler, the step-mother of said soldier, filed a declara- pension, which was rejected December 15, 1881, on the ground "that claimant title to pension as step-mother of the said soldier."
leath of the soldier in the service from disease contracted in the line of his duty n by the records of the Adjutant-General's Office, by the sworn testimo y of . Troutman, captain of soldier's company at the time of his death, and now a le citizen of Fort Wayne, Ind., and by Isaac H. Cann n, a comrade of said sol- It is shown that claimant was married to the father of said soldier in 1845; that it's husband died January 30, 1862, and that she has never remarried.
also clearly shown that the soldier prior to and during his military service con- d his means to the support of the claimant, who is without any means and was dependent upon the said soldier for support.
claim would certainly have been allowed at the Pension Office, except for the t her right to support by the soldier is not recognized by the law.
committee find claimant entitled in equity to a pension as the dependent step- of the deceased soldier, and therefore recommend the passage of the accom- g substitute bill.

r committee concur in the above report, and recommend the pas- f the accompanying bill.

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CONGRESS, } SENATE. { REPORT
I Session. } { No. 1502.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

ITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 383.]

Committee on Pensions, to whom was referred the bill (H. R. 383) nting a pension to Creet H. Dougherty, have examined the same, and ort:

e main facts in this case are briefly stated in the report of the House nittee on Invalid Pensions (House Report No. 2052), as follows:

; claimant enlisted in the military service of the United States as a private in ıny E, Tenth Regiment Illinois Volunteers, August 30, 1861, and was honorably rged July 4, 1865.

19, 1874, he filed a declaration for pension, alleging that April 15, 1865, near h, N. C., while on double-quick march, he received rupture of the left side from tridge-box striking him, which was rejected August 18, 1882, on the ground of ord of alleged disability and claimant's inability to furnish satisfactory evidence in of the same.

incurrence of the hernia as alleged by claimant is shown by the evidence of nant Jamison, of claimant's company and regiment. He is shown to have been l for hernia immediately on his discharge from the service, and the continuance disability is conclusively shown by both professional and lay testimony.

t the soldier was free from hernia prior to and at the time of his enlistment is early established.

r committee find that the disability of this soldier was contracted in the mili- ervice of the United States and in line of duty, and that he is entitled to a pen- ınd therefore recommend the passage of the accompanying bill.

ur committee recommend the passage of the bill without amend-

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1503.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8091.]

The Committee on Pensions, to whom was referred the bill (H. R. 8091) granting a pension to David Sears, have examined the same, and report:

The facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report 2520), as follows:

The claimant enlisted as a private in Company D, Eighty-first New York Volunteers, on the 1st September, 1861, on which day he was mustered into the service, and was discharged May 26, 1865, on a certificate of disability. Declaration for pension was filed February 24, 1882, in which it is alleged that he contracted chronic diarrhea while on duty on the Peninsula, Virginia, about June 15, 1862, from exposure and impure water. Also incurred a rupture in the lower part of the stomach about June 5, 1862, in White Oak Swamp, Virginia, while cutting down timber. Case was rejected on the ground of no disability from alleged chronic diarrhea since February 24, 1882. No reference is made to the other disability—hernia.

Claimant, in his affidavit, says that after he was discharged he treated himself for four years, and that for the past twelve or thirteen years has been treated by Dr. John H. Mease; that he has not been able to perform much labor at his trade—blacksmith—except very light work about the shop. During warm weather it is impossible to do any kind of labor at all.

Adjutant-General's records show soldier present at sundry dates, and that in September and October, 1864, he was absent sick in hospital at Point of Rocks, Va., and that he was discharged at that place by surgeon's certificate of disability, but the character of disability is not stated.

Certificate of disability says that the soldier claims to have become broken down by exposure in the line of duty during the summer campaign of 1864, and that he has been in hospital several months, and is faithful and reliable. It also says that he is found incapable of performing the duties of a soldier because of chronic diarrhea, the probable result of exposure and hardship in the line of duty.

William H. Brackett, Ira Lukentelly, and John Horrigan testify that claimant was a sound, able-bodied man prior to enlistment, and free from chronic diarrhea and hernia.

William H. Brackett says that during the Peninsular campaign, about June 15, 1862, claimant contracted chronic diarrhea, from which he suffered during the remainder of his term of service.

Ira Lukentelly testifies that at the time claimant incurred the rupture he helped to carry him to his company quarters, and Dr. Rice, surgeon of the regiment, now dead, treated him, and that he (affiant) saw the rupture at the time. It was pronounced a breach by Dr. Rice.

John Horrigan swears that at White Oak Swamp, Virginia, claimant was breached while trying to get out of the way of a falling tree; that he slipped and fell over a log, thereby causing the injury; that affiant saw the rupture.

John H. Mease, M. D., testifies that he has been claimant's family physician for more than thirteen years, and has treated him for chronic diarrhea, spinal weakness, and umbilical hernia. "Have treated him for diarrhea every few months since I have known him, and patient would get relief by the use of astringents and opiates. Spinal weakness is no doubt *caused by the* frequent attacks of debility from diarrhea.

Often complains of severe pains and distress from the umbilical hernia, and is obliged to quit work until relieved by compress and anodynes."

Five other affidavits are presented to show claimant's suffering from the time of discharge to the present.

Two certificates of examining surgeons say that claimant has an umbilical hernia; that it is reduced with difficulty, and that he is unable to wear a truss.

It is very evident that the claimant has severe disabilities, and the committee think that the testimony is clear as to his receiving them in the Army service, and therefore recommend the passage of the bill.

Since this bill passed the House the claimant accidentally broke his leg. The weight of evidence is in favor of the disabilities alleged, both chronic diarrhea and hernia, and these disabilities still continue. In view of all the facts your committee conclude that claimant should be pensioned. Therefore they recommend the passage of the bill without amendment.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1504.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4605.]

The Committee on Pensions, to whom was referred the bill (H. R. 4605) granting a pension to Ellen Edmiston, have examined the same, and report:

That the facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 1931), as follows:

The claimant is the widow of Elias Edmiston, who enlisted in the military service of the United States as a private in Company A, Fifty-fifth Regiment, Pennsylvania Volunteers, November 30, 1863, and was honorably discharged June 19, 1865.

The soldier was pensioned in his lifetime at $14 per month, for gunshot wound of both thighs, left shoulder, and head, and died March 4, 1875.

The application of the widow was rejected on the ground that the death of the soldier was not due to his military service.

It is shown by both medical and lay testimony that the soldier was a constant sufferer from his wounds, and that for a short time before his death his mind was affected by the wound of his head. He wandered from his home on the night of the 3d of March, 1875, and on the following day was found dead in the woods. It is shown by the report of the inquest held upon his dead body that he came to his death "by exposure and cold."

Your committee are of the opinion that the death of the soldier was due to wounds he received in defense of his country, and that his widow should receive a pension, and therefore recommend the passage of the accompanying bill.

Your committee recommend the passage of the bill without amendment.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1505.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3556.]

The Committee on Pensions, to whom was referred the bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley, have examined the same, and report:

The facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 2566), as follows:

The claimant in this case is the widow of Edward F. Ripley, who was a private in Company H, Eighteenth Connecticut Volunteers, who enlisted July 22, 1862, and served with his company until the date of his discharge, July 21, 1865, excepting the time he was in Libby Prison. He was wounded accidentally by a comrade while in the service, for which he drew a pension of $2 per month until the date of his death, which occurred September 10, 1875; caused assigned, "phthisis pulmonalis"; and the Pension Office rejected the claim on the ground that there was no record evidence of the alleged disease contracted while in the service and line of duty.

It is in evidence, however, that this soldier was a hale, hearty young man at enlistment, entirely free from disease of any kind, and that at the date of his return from the service his condition did show that he had the germs of consumption, and that he gradually failed from day to day from date of discharge until his death.

The soldier always claimed during his lifetime that he contracted a severe cold while a prisoner and that he never recovered from it, and his statement is fully borne out by affidavits of witnesses, both medical and other. Medical attendants of the soldier and his family swear positively to his robust constitution prior to his entering the Army, and to his enfeebled condition at the time of his return, showing conclusively that he must have contracted the disease of which he died between the date of enlistment and date of discharge.

These facts are not disputed only upon the theory adopted and in daily practice in the Pension Office, that claimants are bound to show medical evidence of incurrence of wounds or disabilities at the time and place they, in their declarations, state they received such wounds or contracted such disabilities, which in many instances it is impossible to furnish.

In view of the facts that this soldier was in the service for three years, was a good and faithful servant of the Government during all that time, that he was a prisoner of war, that he was pensioned for a disability contracted while in such service, and that your committee are of the opinion he contracted the disease which caused his death while in said service, they recommend the passage of the accompanying bill with the following amendment: Strike out all after the word "volunteers," in the eighth line.

Your committee recommend the passage of the bill without amendment.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1506.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7572.]

The Committee on Pensions, to whom was referred the bill (H. R. 7572) granting a pension to Amos McDowell, have examined the same, and report:

The facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 2269), as follows:

We find that claimant enlisted May 28, 1864, for one hundred days, and was discharged September 23, 1864, by reason of expiration of service. November 7, 1878, he filed a declaration for pension, alleging "typhoid fever, contracted at Memphis, Tenn., September, 1864, resulting in disability of left leg." The case was submitted to a special examiner, and a full and searching examination was made, developing the following facts, which seem to stand unquestioned, as there is no contradictory testimony. Two or three comrades testify that on their way to Davenport, Iowa, in September, 1864, to be mustered out the claimant appeared sick and complained to those around him that he felt badly. On the 23d of September they were mustered out and he, accompanied by comrades, went to his home. The family physician happening to be present, gave him some medicine. He continued to grow worse, and a few days after (not more than ten) he was confined to his bed, and for two months was very sick with typhoid fever. For six months he was unable to leave the house. The fever left him with a diseased leg, which has continued ever since. He shows continuous medical treatment from the day he reached his father's house until the time of making the application, in 1878.

His family physician, Dr. William H. Gibbon, surgeon of the Fifteenth Iowa Regiment, testifies that he was claimant's family physician from 1858 until he entered the service, at which time he was in good health and a sound, able-bodied man; that when he (affiant) left the Army in 1865 he again became claimant's family physician; that he (claimant) had the typhoid fever the year before, and at the time he saw him his left leg was considerably swollen, with contracted muscles, caused by rheumatism; that he continued to be his physician until he went to Kansas, in 1873, up to which time the leg had not materielly improved, the leg still being flexed and swollen; that he remained in the condition described from 1864 to 1873.

Dr. O. M. Dotson testifies that he treated claimant from 1873 to close of year 1877, and that he was disabled on account of abscesses on left leg from hip to ankle.

The lay testimony as to his disability is very full and complete.

A. B. Casselman, the special agent of the Pension Department, who conducted the examination, says in his report, speaking of one of the most important witnesses:

"Before taking the testimony of this witness I inquired relative to his reputation and was informed that he was a man of the strictest integrity and regard for truth; that anything he might say could be implicitly believed."

In closing his report the special examiner says:

"I am of the opinion that this claim is established, showing in my opinion that claimant's alleged disabilities are due to the service, yet in view of the testimony relating to the degree of disability from disabled leg, I think it would be well to have him examined by the nearest Board, especially as Surgeon Minor rates him for a disability not alleged."

Yet in the face of all this testimony, with the evidence of Dr. Gibbon and I son before him, with the testimony of reputable men that claimant was tres mediately upon his return home by Dr. Joy, who is now dead, the reviewer in judgment upon the report of the special examiner, says :

"Approved for rejection on the ground that claimant has failed to connect his typhoid fever and results with his military service, there being no record of a ness in service, and *claimant being unable to furnish medical testimony of prior so* origin in the service, *or existence at or soon after discharge.* Says he was tak typhoid fever thirteen days after discharge."

Claimant swears positively that two days before his discharge he was taken severe headache and a fullness and disagreeable feeling at the stomach; that tl ness continued growing worse for ten days after he got home, when he was to his bed.

Your committee conclude that a very strong case is shown by the evidenc it would be unreasonable to suppose that the fever was not contracted in t ice, and they therefore recommend the passage of the bill.

Mr. Peters, of the House of Representatives, states that there no question about this case.

In view of all the facts, your committee recommend the pass the accompanying bill.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1507.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5148.]

The Committee on Pensions, to whom was referred the bill (H. R. 5148) granting a pension to Jacob Lafferty, have examined the same, and report:

The facts in this case are fully set forth in the report of the House Committee on Invalid Pensions (House Report No. 1147), as follows:

The Adjutant-General's report shows that Jacob Lafferty was drafted September 21, 1864, and discharged December 21, 1864.

The declaration filed by Jacob Lafferty states that during the latter part of October, 1864, while at Camp Reynolds, Pennsylvania, he contracted lung disease.

The Adjutant-General's report states that Jacob Lafferty, a private unassigned, draft Pennsylvania, was enrolled 21st day of September, 1864, at Allegheny, Pa., and reported present. Pittsburgh draft rendezvous, September 30, 1864, answering to Pennsylvania draft men, and discharged on surgeon's certificate of disability, December 22, 1864.

S. F. Redic, M. D., testifies:

"I became acquainted with Jacob Lafferty in the year of 1858, and was his family physician from that time until after he was drafted. I have no recollection of prescribing for him personally during the period referred to, and I feel certain that had he labored under any constitutional malady I would have known it. In 1864, in the early part of November, he came home, and on furlough of ten days, suffering, as he said, from a very bad cold. I was called to see him, and found him prostrated with vascular bronchitis, complicated with pneumonia; I told him he would not be able to return at the end of his furlough without serious detriment and great risk to himself. He then requested me to write and secure, if possible, an extension of his furlough. I did as he requested. The answer received was a peremptory order to report at the end of his furlough, about five or six days from the time I first visited him. He did as directed, as I thought at the risk of his life. Shortly afterward I learned from the family that he was in a hospital. He was discharged in December and returned to his family with apparenly broken down constitution. I, leaving that locality after his return home, have had no opportunity personally of knowing anything of his health."

Dr. James L. Crawford testifies that he has been an attending physician in the family of said claimant, Jacob Lafferty, at different times for eight years; that he had prescribed for said claimant, and knows at different times within the past eight years he, the said claimant, has been totally unable to work for several weeks at a time, and that never, since he has known said claimant, has he been in good health, general constitutional disability being manifest at all times, latterly showing a tendency to serous effusion, markedly in the scrotal sack; is weak, and suffers from shortness of breath upon exertion, showing impairing of lungs, resulting, as I think, from adhesion of the pleura, a sequel of plueuro-pneumonia. Affiant has had frequent opportunities to examine said claimant since he has been acquainted with him, and does not consider that at any time he has been fit to perform manual labor, except of the lightest kind. Affiant was not acquainted with claimant prior to enlistment. (Sworn to October 22, 1879.)

Dr. Thomas Carson testifies on the 22d of October, 1879, that he has known Jacob Lafferty for the past four years, and that since he has known him he, the applicant, has not been able to perform manual labor. His trouble is general debility, resulting

from the effects of chronic disability of liver and stomach, also lungs. "Am treatin him at present for hydrocele; and claimant is not able to perform manual labor, an has not since I knew him; and I advised him as his physician not to perform an heavy manual labor."

On December 9, 1882, John Clawson and J. M. Ringer testify:

"We have known Jacob Lafferty, the claimant for pension, for thirty years an upwards; have lived near neighbors; we never heard him complain of lung disea before he went to the Army, and he was able to work till after he came back fro the Army. The following year we know he could not do any work, and for yea after and up to the present time he has not been an able-bodied man, and complains lung disease."

Also, affidavits of Henry Dunmire and H. F. Steer:

"We have known Jacob Lafferty thirty years and upwards; we know that before l went to the Army he appeared to be a stout, hearty man; we saw him work, an worked with him; we never heard him complain of any disease of the lungs or an other disease, and since he came back from the Army he does not appear to be able t do anything, and is not the same strong man he was before he went to the Army this we know from personal observation, being a neighbor of Jacob Lafferty's."

Affidavit of L. T. Shaffer:

"I, L. T. Shaffer, a private, Company F, Fiftieth Regiment Pennsylvania Volun teers, do swear that Jacob Lafferty, a private unassigned, draft of the war of 186 while in military service of the United States in the line of his duty, and without faul or improper conduct of his own, on or about the first of November, 1864, at Ringgol Camp, Pa. Jacob Lafferty went with me to Camp Ringgold. I never knew of Jaco Lafferty being sick before he went to Camp Ringgold. He built a house for our famil during the summer of 1864; he was apparently a healthy man at that time, and sinc I came home from the Army, I know he has been sick a greater part of the time, an has continued so more or less ever since, and is not able to work to any extent."

Israel Smatzer, private Company F, Fiftieth Regiment Pennsylvania Volunteer testifies:

"I went with Jacob Lafferty to Camp Ringgold when he was drafted, and I le him in camp; he was well when he went, and well when he was drafted, and I kno it."

The committee, in view of all these facts, report the bill back with a recommenda tion that it do pass.

Your committee recommend the passage of the bill without amend ment.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1508.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7836.]

The Committee on Pensions, to whom was referred the bill (H. R. 7836) for the relief of Ida P. Belcher, have examined the same, and report:

The facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 2406), as follows:

The committee find from the evidence that Edwin Belcher, husband of Mrs. Ida P. Belcher, enlisted as a private in the Seventy-third Pennsylvania Volunteers on the 3d day of August, 1861, and served until the 14th day of July, 1865, when he was discharged, having during his time of service been promoted to the rank of captain. On the 2d day of May, 1863, he was wounded and left on the field at Chancellorsville, Va. He was captured and confined in Libby prison, Virginia. Col. Charles C. Cresson, commanding the regiment, says:

"This is to certify that Edwin Belcher served under my command in Company E, Seventy-third Regiment Pennsylvania Volunteers, and was under my command in said company at Chancellorsville, Va., on or about the 2d day of May, 1863, and in this engagement did receive a severe wound in the head, and in the retreat was left on the field of battle.

"CHAS. C. CRESSON,
"*Late Colonel Seventy-third Regiment Pennsylvania Volunteers.*"

The above fact is also certified by several comrades who were with the said Belcher at the time of said battle. He was subsequently in a temporary Confederate hospital at Guinere's Station, Va., and from thence removed to Libby prison. Was paroled in June or July, 1863, and carried to Annapolis, Md. In September, 1863, was transferred to the Army of the Cumberland. On the 8th of May, 1864, was wounded at Rocky Falls Ridge, Georgia, and again captured; the ball was extracted by Surgeon Lewis (a Confederate surgeon). He remained in prison until the following summer, when he was exchanged, and about the 13th of November he was sent to the Officers' Hospital at Lookout Mountain, Tennessee, where he was treated for epilepsy and general debility resulting from the wounds, and severe treatment received while a prisoner of war. He was treated by physicians for said wound in the head at intervals from that time up to the day of his death.

Edward A. Bignon, a son of Dr. Henry A. Bignon, of Augusta, Ga., states that his father treated the deceased from the date of his discharge until some time in 1870, when his father, Dr. H. A. Bignon, died; that Belcher was subject to severe epileptic attacks or epilepsy, caused by a gunshot wound in the head. Dr. C. C. Pritchard stated that he attended said Belcher for eight or nine years, and that he treated him for convulsions resulting from a gunshot wound in the head at the upper part of the occipital bone, near the right parietal bone; that it is his opinion that the affection in the future may prove more serious, and, in consequence, endanger his life. Drs. Bignon and Pritchard both being dead, in his last illness he was attended by Dr. ——, whose attention was not called to the wound in the head, and therefore he was unable to state that claimant's husband died from effects of said wound; there-

fore the claimant was barred, under the rules of the Pension Office, to recei sion. In view of the gallant services of claimant's husband, his intense suf shown by medical and other testimony, we are irresistibly led to the conclu the said Captain Belcher died from the effects of wounds and injuries received service and in the line of duty, and therefore recommend the passage of the

The affidavit of Mrs. Belcher is filed with your committee, i she states that her husband did die, from the effect of the gunsho in the head, on the 7th of August, 1883. Hon. Robert Smalls House of Representatives, certifies the death of this soldier and attended his funeral. He has no doubt the death was hastene disability incurred in the service.

The weight of testimony in the case corroborates this conclus your committee think the widow should be pensioned. They t recommend the passage of the bill without amendment.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1509.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1235.]

The Committee on Pensions, to whom was referred the bill (H. R. 1235) granting a pension to Annie E. Bailey, have examined the same, and report:

The principal facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 2338), as follows:

Annie E. Bailey is the widow of William C. Bailey, first lieutenant Company B, Fourth Regiment West Virginia Volunteers, who died December 9, 1874, and the evidence in her claim for pension shows that Lieutenant Bailey was discharged upon surgeon's certificate of disability for asthma, being utterly unfit for duty therefrom. The claim for pension was rejected because of alleged existence of disease prior to enlistment.

The evidence of the surgeon of the regiment shows exposure on a raid and contraction of severe cold, from which asthma developed.

His colonel, Lieut. Col. John L. Vance, testifies to same effect, and to subsequent death from consumption.

F. A. Crowly, M. D., as to being Lieutenant Bailey's family physician and treating him, in connection with his father, for asthma, which gradually developed into consumption.

Dr. Ephraim Williams was family physician prior to 1861, and testifies to non-existence of asthma.

John M. Gardner testifies to acquaintance with Lieutenant Bailey from 1857 to March 10, 1861, and to soundness and freedom from asthma.

So positive is the sworn evidence as to freedom from asthma prior to enlistment, its contraction in the service, existence at and subsequent to discharge, and development into consumption, that there seems no room for doubt that Lieutenant Bailey's death was a sequence of his service, and your committee recommend the passage of the accompanying bill.

The immediate cause of death was consumption, and there seems to have been no doubt in the Department that it developed from the asthma which was contracted in the service. The only ground upon which the claim of the widow was rejected appears to be that the asthma existed before enlistment; but this seems to be disproved beyond any reasonable doubt by the evidence in the case.

Your committee therefore recommend the passage of the bill without amendment.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1510.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5554.]

The Committee on Pensions, to whom was referred the bill (H. R. 5554) granting a pension to Sarah Parry, have examined the same, and report:

The principal facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 2339), as follows:

That Thomas Parry enlisted in the military service of the United States as a private in Company F, Thirtieth Ohio Volunteers, August 28, 1861, and was honorably discharged upon surgeon's certificate of disability on May 15, 1862. That he made an application for invalid pension May 16, 1863, which was rejected on the ground of adverse record evidence. Subsequently he died, and in April, 1879, his widow, Sarah Parry, filed a widow's application for pension, which also was rejected on same ground.

The record evidence adduced by the Commissioner of Pensions is the certificate of disability for discharge, in which Lieut. E. R. Patterson, commanding Company F, states that "said Thomas Parry's disease is an affection of the heart, and existed prior to his enlistment." But offsetting this is the testimony of Dr. Francis Rea, to the effect that he had been soldier's family physician since 1841, and knew that he, Parry, had had as good health as any man, and never had any ailment of any account or character, and never had heart disease.

Dr. J. H. Chapman testifies that he knew soldier intimately for a number of years prior to enlistment, and supposed him to be sound and free from disease.

Dr. A. Patterson testifies soldier was a stout, hearty man at enlistment; was acquainted with him many years.

W. M. Ferguson, a neighbor of many years' standing, testifies to perfect soundness at enlistment, and that, had any disease existed, would have known it.

The testimony of Rev. S. Mahaffey and several other neighbors is to same effect.

Dr. Francis Rea treated soldier for heart disease from date of discharge to death, in 1878.

Two comrades testify to prior soundness and also to exposure in the march from Clarksburg to Weston, W. Va.

Inasmuch as the evidence is conclusive as to non-existence of heart disease prior to enlistment, and in direct opposition to the unsupported statement of a company officer, whose lack of medical acumen and means of prior knowledge are undoubtedly open to gravest doubt, your committee are of the opinion that the testimony in this case entitles the soldier's widow to a pension, and therefore recommend the passage of H. R. No. 5554, without amendment.

Dr. Francis Rea also testifies in additional affidavits to the continual disability, from the time the soldier left the service to his death, from heart disease, and the affidavit of Mrs. Parry states positively that the soldier died of that disease.

In view of all the facts your committee recommend the passage of the bill without amendment.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1511.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1323.]

The Committee on Pensions, to whom was referred the bill (S. 1323) to increase the pension of David S. Whitmore, have examined the same, and report:

The Commissioner of Pensions, in his letter transmitting the papers in this case to the committee, says:

The soldier was pensioned for disease of the legs at $6 per month from November 25, 1865, and $12 per month from July 18, 1883, which is the present rate of allowance.

There is no evidence in the case subsequent to the date of the last rating above indicated; and the rate then fixed was in accordance with the report of the Board of Examining Surgeons of date July 18, 1883.

As no application for an increase of rate has been made by the soldier to the Commissioner of Pensions since the date last above mentioned, and as he can make application therefor, and have the degree of his disability determined by a Board of Examining Surgeons under the regulations of the Pension Office, the committee does not feel warranted in recommending the passage of a special act for his relief.

The bill is therefore reported adversely, with a recommendation that it be indefinitely postponed.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1512.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7805.]

The Committee on Pensions, to which was referred the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps, has examined the same, and reports:

That the Commissioner of Pensions, in his letter transmitting the papers in this case to the committee, says that—

The claim is still pending and awaits testimony relative to origin in the service recently called for through applicant's attorney.

This being the case, the committee does not feel warranted in taking the claim for pension out of the jurisdiction of the hands of those intrusted by law with its exercise, and whose duty it is first to pass upon the sufficiency of proofs in matters of this kind. Hence without prejudice to the case, which, in even its present imperfect stage, discloses merit, the bill is reported adversely, with recommendation that it be indefinitely postponed.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1513.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8136.]

The Committee on Pensions, to whom was referred the bill (H. R. 8136) for the relief of Addison M. Copen, have examined the same, and respectfully report:

The soldier served in the Mexican war from April 22, 1847, to July 31, 1848, and was honorably discharged. He claims that he is suffering from erysipelas contracted in the service.

His application for pension was rejected because—

The records of the War Department fail to show the existence of the alleged disability in the service, and the claimant cannot furnish satisfactory evidence to establish origin in the service.

There is no question of the claimant's service in the Mexican war nor of his present disability and poverty. The evidence is not sufficient to show that the present disability is the result of his service, but the soldier says on oath that the disability did originate in said war.

Your committee are of the opinion, that as the claimant is old and needy, and served through the Mexican war, he is entitled to the relief asked for in the bill, and therefore recommend that the same be passed.

O

CONGRESS, } SENATE. { REPORT
Session. } { No. 1514.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5740.]

Committee on Pensions, to whom was referred the bill (H. R. 5740) granting a pension to Grigsby Foster, respectfully report:

our committee report in favor of the adoption of House Report No. in this case, and recommend the passage of the bill. The House rt is as follows:

Committee on Invalid Pensions, to whom was referred the bill (H. R. 5740) granting a sion to Grigsby Foster, have had the same under consideration, and submit the following ort:

igsby Foster was a private in Company E, Seventh Regiment West Virginia Vol-
er Cavalry. He enlisted February 1, 1864, and was discharged August 1, 1865.
e application was filed September 1, 1879, and rejected December 3, 1883, the re-
on being on the ground "no record," and claimant has declared his inability to
ish medical evidence showing treatment for his alleged injury to back and sore
in the service, or prior to 1877.
e petitioner, in his original application, alleges that while in line of duty in
e County, West Virginia, in 1864, while on a scout after the rebels, he was thrown
his horse while passing under the limb of a tree, injuring his backbone and
ing him to have weak eyes.
aimant, in an affidavit filed June 11, 1881, states his inability to furnish the testi-
y of a commissioned officer of his company or regiment.
aimant, in affidavit filed July 7, 1881, further states his inability to procure the
ence of physicians who treated him for said injury and sore eyes from date of his
harge until Dr. W. S. Church began treating him in 1877.
mes H. Foster, Thomas Loach, Robert Gray, and James Robinson, all testify to
nant's soundness at enlistment. Affidavits filed June 26, 1880, Richard Hemmings,
pany B, Seventh West Virginia Volunteer Cavalry, and James H. Foster, corpo-
Company E, Seventh West Virginia Volunteer Cavalry, testify that they were on
ut with the claimant and in passing under a tree lodged across the road the claim-
by some quick movement of his horse, was caught under said tree and was
rely jammed between it and his horse's back, forcing him from his saddle, and
ously injuring his back and spine. The affiants further state that the claimant
good eyes before said accident occurred.
r. R. M. Hewitt, affidavit filed June 26, 1880, shows that he has known claimant
about three years and during that time has treated him for the injury to spine and
ase of eyes, and that the claimant has been unable to perform manual labor by
on of said disabilities.
r. W. S. Church, in an affidavit filed January 4, 1881, testifies that he has known
mant for about three years, and certifies substantially to the same as Dr. Hewitt.
ames H. Foster, Thomas Loach, Robert Gray, and James Robinson all testify that
y know from seeing claimant soon after his discharge that he was suffering from
injury to his back, and that they have seen him frequently since his discharge,
he has been disabled to a large extent by reason of said injury.
James W. Loach testifies that during the period the claimant resided in Nebraska,
m 1871 to 1877, he was unable to perform any manual labor by reason of spinal
uble and affection of the eyes.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1515.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4878.]

The Committee on Pensions, to whom was referred the bill (H. R. 4878) granting a pension to Emma O. Zeigler, respectfully report:

That claimant is the widow of William A. Zeigler, who enlisted in the military service of the United States as a private in Company B, First West Virginia Light Artillery Volunteers, August 5, 1861; was commissioned second lieutenant in Company I, Fifth Regiment West Virginia Volunteers, January 13, 1863; first lieutenant, West Virginia Veteran Infantry Volunteers, September 5, 1864, and captain March 29, 1865, and was honorably discharged July 21, 1865.

September 20, 1869, soldier filed a declaration for pension, alleging that on or about August 5, 1864, near Middleburg, Md., while retreating from the enemy, and in command of Company I, Fifth West Virginia Volunteers, he received sunstroke.

April 20, 1876, the soldier died, pending the final adjudication of his claim. After the death of the soldier, Emma O. Zeigler, the widow, completed the claim, and was granted a pension up to the date of her husband's death. But her claim for pension as the widow of said soldier was rejected on the ground that the fatal disease of which the soldier died was not due to, and was not a result of, his military service.

It appears from the evidence on file that the soldier was afflicted with piles during his service in the Army, causing a protrusion of the bowels, and that the same disability continued from the time of his discharge up to the time of his death.

The medical testimony from the autopsy shows that the soldier died from cancer of the rectum and bowels, which, in the opinion of the surgeon, resulted from the piles. It also appears from the evidence that the soldier received a sunstroke while in the service from which he never fully recovered.

Your committee are of the opinion from the testimony and reports in this case that the disability from which the soldier died may have been due largely to the hemorrhoids with which he was afflicted while in the service, and from the broken-down condition of his health resulting from them, and the sunstroke, from which he continued to suffer almost continuously up to the time of his death, and your committee recommend the passage of the bill.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1516.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany petition of Miss Herrmine Thomson.]

The Committee on Military Affairs, to whom was referred petition of Miss Herrmine Thomson, praying that she be permitted to pre-empt 120 acres of the reservation at Camp Independence, California, have considered the the same, and beg leave to report:

That as Congress has enacted a law in regard to all useless and abandoned military reservations, the committee recommend the indefinite postponement of the petition.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1517.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. FAIR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1452.]

The Committee on Claims, to whom was referred the bill (S. 1452) for the relief of B. Reinhart & Co., having considered the same, submit the following report:

The claim amounts to $834.89, and is for cash paid by B. Reinhart & Co. on three several drafts, drawn by United States Indian Agent John How, of the Western Shoshone Agency, at Elko, Nev., on the 15th day of December, 1881, and January 3, 1882, on the assistant treasurer of the United States at San Francisco, Cal.

Under date of April 28, 1882, in a communication to Hon. George W. Cassidy, member of the House of Representatives from Nevada, the honorable Commissioner of Indian Affairs, in reference to the above claim, said:

> There is no reason to doubt but that in the case of the checks in question they were cashed by your constituents in perfect good faith and in the regular transaction of business, but they cannot be considered at this time with view to payment.

The Commissioner, as a reason why this claim is not settled and cannot be considered with view to payment, in the same communication says:

> This office would be pleased to afford them immediate relief were it not the rule and practice on its part and the accounting officers of the Treasury in the case of outgoing agents to withhold payment of amount due them until final settlement of their accounts.

A new agent was appointed in 1882 in the place of said How.

On inquiry at the Office of Indian Affairs, we are informed that the accounts of said How, as Indian agent aforesaid, are still unsettled, and your committee at the present time are of the opinion that the bill should not pass.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1518.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. FAIR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 4380.]

The Committee on Claims, to whom was referred the bill (H. R. 4380) for the relief of A. H. Herr, having considered the same, and accompanying papers, submit the following report:

That the committee find the facts to be as stated in House Report No. 155, Forty-eighth Congress, first session, which said report is hereto annexed, and made part of this report, and is as follows:

This claim is for the use and occupation of Herr's Island, near Harper's Ferry, W. Va., by Federal troops from February, 1862, to February, 1866.

The property in question "was a very extensive and valuable estate, embracing twelve acres of land, thirty-two dwelling houses, a large four-story cotton-factory building, a large iron foundry, saw-mill, and many outbuildings," and was all occupied at various times during the period named, and under control of acting quartermasters in the United States Army.

Mr. Herr, the owner of the property, was a loyal citizen, who for his loyalty suffered imprisonment at the hands of the rebels, and many other vexations—besides great destruction of property.

February 28, 1866, Maj. Gen. W. S. Hancock made an order convening a board of officers to examine and report upon the condition of property in the department lately used by the Government, under the direction of the Quartermaster's Department, with a view of determining what would be required to put it in the same condition as when first occupied by the Government.

In accordance with such order, the board convened and proceeded to examine the various property covered by the order, and on July 3, 1866, entered upon a critical examination of the property involved in this case, and of the evidence of its occupation, and its rental value: and reported in detail each building occupied, the time of its occupancy, and the rental value. The result of this examination was a report of a total rent of $17,288.53.

This report was not approved by the Quartermaster-General, but the claim was by him referred to General Blunt, chief quartermaster Department of the Potomac, who, on December 27, 1866, made return of his conclusions, in which he stated that he had made personal examination of the premises, accompanied by his agent, and was satisfied that the buildings were occupied for military purposes for the whole of the time alleged in the claim. He expresses the opinion that the occupation tended to preserve the buildings from being destroyed by the rebels, and also says that the works not being in operation would prevent the owner from deriving any material benefit from it. Yet, he says, the Government derived material benefit from its use, and he carefully readjusts the estimates of the board of officers and recommends the allowance of $15,294.58.

Upon receipt of this report Acting Quartermaster-General Rucker disallowed $8,408.33 of the claim, and recommended the payment of $6,886.25.

This reduction was made upon the statement in the report of General Blunt, that the occupancy of the property by the Army had the effect to protect it from destruction by the rebels, and the assumption that the works were not in operation, and therefore were of little use to their owner.

This finding was approved by Quartermaster-General Meigs, but the claimant refused to accept the amount.

Subsequently, the whole matter was referred to Deputy Quartermaster-General Ekin, who, on June 7, 1869, made an elaborate report upon the findings of the board of officers, the report of General Blunt, and the action of the Quartermaster-General on the same. He also considered additional evidence, which showed that the supposed facts in regard to the operation of this property by the owner, as reported by General Blunt, did not in reality exist, and that the condition of the property, with reference to its use by the owner, had been misunderstood.

The report also combats the idea that its occupancy by the Union troops tended to preserve it from destruction.

After reviewing the history of the case, and reciting the evidence upon which his findings were based, the report concludes with a recommendation of an allowance of $15,000.

This report is returned by the Quartermaster-General to General Ekin, with a suggestion that it is like another case cited. Whereupon General Ekin makes response as follows:

"The ruling in the Murfreesborough decision could be made applicable in this case, but in view of the fact that it has been the custom of this Department to pay rent for property at Harper's Ferry, which was occupied by the United States during the war, and in the absence of any law or order prohibiting its payment, I cannot perceive any just reason why Mr. Herr should not be paid such rent as may be found to be due him."

March 16, 1874, the claim was taken before the Secretary of War for review, who, upon examination of all the papers in the case, approved the finding of the board of officers convened by General Hancock, but on reference to the accounting officers the Third Auditor reported adversely, and the claim was disallowed by the Comptroller April 7, 1874—

"On the ground that the prohibitory act of February 19, 1867, was not repealed by the joint resolution of July 28, 1866, extending the benefit of the act of July 4, 1864, to the counties of Jefferson and Berkeley, W. Va."

On reargument this decision was reaffirmed May 26, 1874.

The case was finally reviewed by the Comptroller July 23, 1875. In that review he says:

"There is but one question now to be determined in the case. The claimant's loyalty and ownership, the occupancy of the property by the Federal forces, the proper administrative action in the War Department, and perhaps the amount of compensation to be allowed, are all sufficiently shown."

After reciting the various acts of Congress bearing upon the right to adjust and pay this claim, the report says:

"It [the act of 1867] expressly prohibits the settlement of certain claims originating in a State, or part of a State, described in the proclamation of July 1, 1862. * * * Jefferson County, Virginia, is among the counties described in that proclamation, and the prohibition, it seems to me, is as positive as if the act had repeated the words of the proclamation."

And so this claim was rejected—not because it ought not to be paid, but because the Department before which it was pending was expressly prohibited by act of Congress from settling claims of this character.

The committee are of opinion that the allowance of this claim is an act of justice which ought not longer to be delayed for want of a tribunal in which to enforce it.

Claimant's property was occupied by United States troops without any express agreement as to the amount of compensation. Its use was of great value to the Government, and effected a saving of much more than the amount claimed. Its occupancy was a necessity at the time. The officers taking possession and the claimant both supposed that reasonable rent was to be paid. Large damage was done to the property, for which no claim is made.

We are further of the opinion that the amount of $15,000 recommended by General Ekin, being one-half of the rental value of the property previous to the commencement of hostilities in 1861, is a reasonable amount to be paid.

Your committee, however, are of the opinion that the rule heretofore adopted should be adhered to, and therefore recommend that the bill do not pass.

O

TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1519.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 4684.]

The Committee on Military Affairs, to whom was referred the bill H. R. 4684) "for the relief of certain citizens of Marion County, Tennessee," have considered the same, and beg leave to report the bill back to the Senate, recommending its passage.

In the seventh line of the printed bill the word "to" has been accidentally omitted, and the proper correction is made by the committee.

Accompanying the bill is the report from the Committee on War Claims of the House of Representatives, which is made a part of this report, as explanatory of this case.

[House Report No. 230, Forty-eighth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1492) for the payment of certain awards in favor of parties therein named, submit the following report:

It appears from the records and evidence in reference to the subject-matter of this bill, obtained from the War Department and filed in this case, that Maj. Gen. George H. Thomas, commanding the Department of the Cumberland, on the 8th day of February, 1864, issued the following order, viz:

[Special Field Orders No. 329.—Extract.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, December 8, 1863.

* * * * * * *

A Board of Commissioners, consisting of the following-named officers and citizens, is hereby appointed for the purpose of adjusting the claims of the citizens of Marion County, Tennessee, against the United States Government for damages done their property in the occupation of said county by the United States troops.

Detail for the Board.—Brig. Gen. James B. Steedman, U. S. V.; Colonel Post, Fifty-ninth Illinois Volunteers; Lieut. Col. I. P. Kerr, Seventh Illinois Volunteers; William Pryor, esq.; A. Kelly, esq.

The assistant adjutant-general of Brigadier-General Steedman will act as recorder.

The Board will commence at Jasper, Tenn., December 10, at 9 a. m., or as soon thereafter as practicable.

By command of Major-General Thomas.

WM. M. MICHAEL, *A. A. G.*

This order was issued in pursuance of the policy of the Government recognizing individuals who were public enemies by laws of war by reason of their residence as friendly to the Government, for the purpose of encouraging a sentiment of loyalty to the Federal Government within the insurrectionary territory.

Before any proceedings were had under the order, except the receipt of claims for adjudication, a supplementary order was issued as follows:

[Special Field Orders No. 81.—Extract.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Chattanooga, March 21, 1864.

XI. The following-named officers and citizens are relieved from further duty as members of the Board of Claims instituted by Par. XVI, S. F. O. No. 39 (C. S.), from these headquarters: Capt. J. W. Moore, Twenty-third Missouri Infantry; Lieut. H. A. Ford, Nineteenth Michigan Infantry; Mr. J. P. Thompson.

XII. The following-named officers and citizens are detailed as members of the Board of Claims instituted by Par. XVI, S. F. O. No. 39 (C. S)., from these headquarters: Maj. E. A. Griffin, Nineteenth Michigan Infantry; Lieut. Leroy Cahill, Nineteenth Michigan Infantry; Dr. John B. Armstrong.

By command of Major-General Thomas.

W. D. WHIPPLE,
Assistant Adjutant-General.

The docket of cases heard by and before this Board, and the awards made therein, now on file in the War Department, shows that there was filed with such Board for hearing four hundred and seventy-three claims.

The hearing before the Board commenced March 28, 1864, and seems to have been concluded April 18, 1864; and there was awarded for quartermaster's stores and commissary supplies to the several persons who could prove their loyalty, and the taking and use of the stores.

The committee do not regard the payment of these awards as a question submitted to their decision upon the original facts on which the awards are based. They have been determined and allowed by a military Board, called under the apparent sanction of the Government, and whose action seems to have been approved not only by the major-general commanding, but by the War Department, and they have not all been paid. The committee use the term "seems to have been approved," because the papers and record remaining in that Department show no disapproval, which may be said to be a negative pregnant, almost as strong as affirmative proof.

This Board was composed of officers in actual service. It held its sessions in the vicinage of the claimants, and its facilities for proof were better than any civil tribunal that has been constituted to hear such claims; and your committee think its findings are entitled to credit.

It may be said, in addition, the Government afterward furnished tribunals to hear this class of claims. These claimants, presumably relying on the awards made by this Board, have not prosecuted their claim selsewhere, and statutes of limitations have run against them. But the committee prefer to stand upon the awards made, as an adjudication of a court created by authority of the Government to hear and adjudicate claims of individuals against it, and to hold such adjudications not formally disapproved by the authority convening the court as final.

A small number of these claimants have been paid by special acts of Congress, the exact number the committee are unable to say. The proceedings of the "Jasper Board" are now in the hands of the Quartermaster-General, and it seems to your committee that an investigation by the Quartermaster-General is a matter of necessity before intelligent action can be had upon these claims. The committee therefore report a substitute for the bill, conferring authority upon the Quartermaster-General to investigate these claims and to report the result, with his recommendation thereon, to Congress for its action in the premises.

We annex hereto a letter from General W. S. Rosecrans, addressed to the committee, in reference to these claims.

APRIL 7, 1882.

Respectfully referred to the Committee on War Claims.

When the campaign of Chattanooga was planned the vital question of subsisting the army until the Tennessee River and the railroad could be opened was fully considered, and it was decreed necessary to look to Sequatchie Valley for such supplies as it could furnish—beef in small quantities and corn and grain were expected, to furnish the trains hauling supplies of provisions.

In fact, the movement of these trains was a supreme exigency, and added that Wheeler's and Forrest's raid across the country to Shelbyville to destroy our railway communication in October, made it necessary to send our cavalry up the Sequatchie

Valley to follow the enemy across to McMinnville. They, of course, subsisted on the country, and had no time to make accounts of much that they took.

The commission ordered by General Thomas to make account and report on claims for supplies so taken is what I should have ordered had I remained in command. I should have made it as soon as the railway and river were opened. My reasons for it would have been those above mentioned, and the fact that the Marion County people were by me considered as Unionists in sentiment.

W. S. ROSECRANS.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1520.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MAXEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 6089.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6089) for the relief of Moses Carleton, respectfully submit the following report:

There is no conflict as to the facts. They are fairly set out in House Report No. 911, accompanying the above bill. The committee adopt the statement of facts in that report as follows:

This is an application for pay of second lieutenant from October 24, 1865, to June 12, 1866, of Moses F. Carleton, who enlisted as private in Company I, Thirtieth Regiment Michigan Volunteer Infantry, 26th September, 1864, and the regiment was consolidated, and Company I was transferred shortly after to the Fourth Michigan Infantry, and he was made a sergeant in Company I, Fourth Regiment Michigan Volunteers. He received a commission of second lieutenant October 24, 1865, said company having but one commanding officer, viz, a first lieutenant, who received a commission of captain of same date. He was assigned to duty under the commission as second lieutenant in Company I, Fourth Regiment Michigan Volunteers.

The evidence of First Lieut. and Adjt. William F. Bradley, Fourth Regiment Michigan Volunteers, goes to show that Moses F. Carleton was commissioned a second lieutenant of said regiment, and performed the duties of one from October 24, 1865, until the discharge of the regiment.

The evidence of William Black, first lieutenant of Company I, Fourth Regiment Michigan Volunteers, shows that said Carleton was promoted to a second lieutenancy, and that he performed the duties of same. The evidence of the colonel, J. W. Hall, Fourth Regiment Michigan Volunteers, goes to show that he received a commission of second lieutenant; that he was assigned to duty under said commission, and that he did well and faithfully perform said duty from October 24, 1865, to the discharge of the regiment. The evidence of S. S. Parker, major of Fourth Regiment Michigan Volunteers, goes to show the same facts.

The company, being reduced below the minimum standard entitling it to three officers, viz, a captain, first lieutenant, and a second lieutenant, was entitled to but two officers, viz, a captain and first lieutenant. There was no first lieutenant. In this condition, Mr. Carleton was commissioned second lieutenant October 24, 1865. Two days afterward he was placed as such on duty by his colonel in that capacity, assumed the uniform of his rank, and performed the duties of a lieutenant from that day to the discharge of his company, June 12, 1866. He sought recognition under his commission from proper authorities, but failed, and only because the law did not allow a *second lieutenant* to a company below the minimum. But the fact remains that the company

was entitled to one lieutenant, and there was no first lieutenant. If this officer is not entitled no one is, and the company was between those dates with but one officer, to wit, a captain. Technically the claim of Mr. Carleton could not be allowed by the accounting officer.

In equity and good conscience he is entitled to the rank, and, less the pay received as first sergeant, to the pay of second lieutenant within the dates aforesaid.

Wherefore, the committee report the bill without amendment, and recommend its passage.

C

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1521.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. MAXEY, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 6533.]

The Committee on Military Affairs, to which was referred the bill (H. R. 6533) for the relief of Thomas J. Jones, respectfully submits the following report:

The fact that Dr. Jones performed the services claimed in the bill is sworn to by Col. P. B. Hawkins, commanding the Eleventh Kentucky Infantry Volunteers, as also that the services were faithful, and under employment by him in his official capacity. His right to employ in certain cases private physicians may be found in sections 1304, 1305, and 1306, Army Regulations, 1863. Dr. Jones files his own affidavit setting forth his services.

The claim was disallowed by the accounting officers for two reasons: First, because there is nothing on the records to show that Dr. Jones was employed or performed services; and, second, because the record shows that a surgeon and assistant surgeon had been appointed. It seems that the regiment was organized December 9, 1861. But Colonel Hawkins testifies that he was colonel of the Eleventh Kentucky Infantry Volunteers, and was stationed at Calhoun, Ky., from some time in September, 1861, up to February, 1862; that he employed Dr. Jones as a physician to wait on the sick of the regiment, and knows that he attended the sick of the regiment most faithfully, day and night, over three months, to wit, part of September, October, November, December, 1861, and part of January, 1862.

The affidavits of Dr. T. J. Jones and of Col. P. B. Hawkins are herewith inserted as follows:

The United States to Dr. Thomas J. Jones, Dr.

1861–'82. To three months' service as surgeon of the Eleventh Kentucky Volunteer Infantry, at Calhoun, Ky., during October, November, and December, 1861, under appointment of Col. P. B. Hawkins, at $125 per month $375

STATE OF KENTUCKY,
County of Warren:

On this the 29th day of March, 1882, personally appeared before me, clerk of the county court within and for the county and State aforesaid, Dr. Thomas J. Jones, a resident of the county of Warren, State of Kentucky, known to me to be respectable and worthy of full credit, and as a physician to be in good standing in his profession,

and further, that he has always been considered a loyal man to the Government of the United States, who, being duly sworn according to law, on his oath states:

That he is a resident of the county of Warren, State of Kentucky; that his post-office address is Oakland, county of Warren, State of Kentucky; that he has been a practicing physician for the last forty-two years; that the above account, made out against the United States for medical service of the Eleventh Kentucky Volunteer Infantry, for $375, is true, correct, and reasonable; that he visited the camp of Col. P. B. Hawkins, some 40 miles distant from his home, at Calhoun, Ky., in September, 1861, and finding a number of his friends sick with measles and various other diseases, he agreed to leave his practice, then lucrative, and accept the appointment kindly offered him as surgeon *pro tem.*, he being too old to accept the regular appointment; that he served the sick of the regiment day and night for more than three months; that he hereby prays that said account of $375 be allowed and paid him. And, as in duty bound, will ever pray, &c.

T. J. JONES.

Also personally appeared before me, on this 29th day of March, 1882, Col. P. B. Hawkins, a resident of the city of Bowling Green, county of Warren, State of Kentucky, known to me to be respectable and worthy of full credit, who, being first duly sworn according to law, on his oath, states:

That he is a resident of the city of Bowling Green, Ky.; that his post-office address is the same. That he was the colonel of the Eleventh Kentucky Volunteer Infantry in the war of 1861–'65, and stationed at Calhoun from some time in September, 1861, up to February, 1862. That he appointed the said Dr. Thomas J. Jones *pro tem.* as the attending physician on the sick of his regiment, there being no regular surgeon appointed. That he knows the said Dr. Thomas J. Jones attended to the sick of his regiment most faithfully day and night for over three months, a part of September, October, November, December, 1861, and a part of January, 1862. That he verily believes that the account is reasonable and just. That he has no interest whatever in the prosecution of this claim.

P. B. HAWKINS.

Sworn to and subscribed before me this, the 29th day of March, 1882, and I certify that I have no interest in the prosecution of this claim.

[SEAL.] BEN. F. GARDNER, *C. W. C. C.*,
By S. M. MATLOCK, *D. C.*

This testimony is positive and bears the ear-marks of truth. If Dr. Jones performed the services, as the committee believes, he ought to be paid. The amount in the bill is reasonable. Wherefore the committee recommend its passage.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1522.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. DAWES, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany resolution of the Senate of July 4, 1884.]

The Committee on Indian Affairs of the Senate, who were instructed by resolution of the Senate of date July 4, 1884, "to inquire into the condition of the ——— Indians upon the several reservations in California, and that the said inquiry be directed particularly to the Round Valley Indian Reservation in said State; and that full investigation be made into the present and past management of said reservation, and of all abuses of the rights and interests of the Indians thereon," submit the following report:

The chairman, Mr. Cameron of Wisconsin, and Mr. Morgan, were appointed a subcommittee for the purpose of making an investigation required by said resolution, and met for that purpose at Chicago on the 9th of August, and from thence proceeded to the Round Valley Reservation, in California. They took testimony at San Francisco, at Ukiah, and at Eden Valley, and at Covolo, in Round Valley, and at the Round Valley Agency. They also, on their return, took the testimony of various witnesses at Los Angeles, in reference to the condition of the Mission Indians, in Southern California. All of this testimony accompanies this report, and is referred to for further information. The Round Valley Reservation consists of about 103,000 acres, all of which, with the exception of five or six thousand acres, is mountain or grazing land. The balance is a part of the valley which bears that name. Originally the reservation consisted of the entire valley called Round Valley, embracing about 25,000 acres of exceedingly fertile and productive land located in the midst of the hill country of Mendocino County, California, about 200 miles northerly of San Francisco.

In 1873, by an act of the 3d of March of that year, the boundaries of the reservation were changed, and the southern portion of the valley turned open to settlement, leaving only five or six thousand acres of it within the reservation.

The reservation was compensated for this valley country thus thrown open to settlement by enlarging its boundaries on the north, and included a large tract of grazing country in all, with a small balance of the valley land still remaining, in a reservation amounting to 102,000 or 103,000 acres, as has been stated. At the time of this change in the limits of the reservation there were about 1,000 Indians upon the reservation, made up of several bands belonging to different tribes, who, before that time, dwelt in small numbers in different parts of Northern

California. The committee found upon the reservation between five and six hundred Indians only. One or two hundred Indians belonging to the reservation were out temporarily at work in the hop-fields of the adjacent districts, but several hundred of the Indians had, within a few years, abandoned the reservation and taken up their residence at some distance from the reservation upon land they had obtained by purchase, and were taking care of themselves.

The committee found the greater part of the reservation in the possession of several white men, and occupied by them mostly with herds of sheep, their occupancy marked, that of each man, with well-defined limits consisting of fences and of natural boundaries. A map of the reservation, with the names of the occupants and the boundaries of the respective inclosures, accompanies this report. The names of those who occupy it, the number of acres occupied by each, and the number of sheep maintained by them upon their several portions of the reservation, are as follows:

No.	Occupied and grazed by—	No. sheep.	No. acres.
1	G. E. White	6,000	7,000
2	Henley Bros. and Gibson	7,000	28,000
3	Jacob Uptegraff	5,000	11,000
4	Frank Azbill	6,000	8,500
5	D. T. Johnson	5,000	12,000
6	J. G. Short	6,000	18,500
7	Foster Bros	4,000	5,500
8	Bourne and Johnson	2,500	3,200
9	Bourne and Johnson	2,500	3,200
		44,000	97,500
10	Occupied in part and grazed by Indian reservation		5,500
	Total		103,000

About 1,600 head of horses, cattle, and hogs are also grazed on the reservation.

These numbers are the estimates of intelligent witnesses who apparently were familiar with the ground, and with the manner in which it was occupied, and is approximately the actual condition of things. This exclusiv eoccupation of 97,500 acres of this entire reservation by these white men here enumerated has been without compensation, and has continued nearly the entire time since the reservation was marked by its present limits by the act of March 3, 1873. The value of this occupancy cannot be determined with any accuracy, but is estimated by one intelligent witness to be in the aggregate $34,125 a year. Taking the years together the committee are of the opinion that at least any one having the right to rent it, and the authority to require of those who occupy it a fair compensation, should easily have realized an annual income of $30,000. The committee refer to the accompanying testimony for the evidence upon this subject. This is certain, that this occupancy has been a very valuable source of income to those who have occupied the land as sheep ranges, and the agency and the United States supporting these Indians have in this way been deprived of a very valuable source of revenue. The effect upon the prosperity of these Indians upon this reservation, of this exclusive occupancy of almost their entire reservation by white people without compensation to them, has been very marked.

The committee found the Indians confined in the use of their reservation to very narrow limits—about 3,000 acres of valley land, and about 1,000 or 2,000 acres of the upland, together with such use of the up-

land occupied by the white men as could be obtained by the stealthy and occasional occupation of it by the agency herd. The agency had at one time a herd of nearly 1,000 cattle, but this had been reduced from year to year, and crowded down upon narrow limits by the occupation of their grazing grounds by others, until the land left for the Indians supported with difficulty, at the time the committee were at the agency, about 400 head of cattle, and those in so scanty a manner that they were killed for beef before they were full grown and fattened, and furnished food for the Indians of an inferior quality. The agent, not being able to supply beef enough from this small herd, has been obliged to purchase from 50,000 to 60,000 pounds of beef each year. This beef had latterly been purchased of the very men who were enjoying the exclusive use of almost the entire reservation, as has been stated. The cattle were fattened free of all charge upon the lands of the reservation, and then sold to the agent to support the Indians. The evidence shows that were the Indians in the undisturbed enjoyment of their reservation, as defined by the act of March 3, 1873, they could without difficulty have maintained a herd numbering 5,000, one thousand of which would have been sufficient to supply from year to year all the beef necessary for the support of the Indians and the employés at the agency, without diminishing the number of cattle. Four thousand head of cattle would thus have been grazed upon the reservation for sale in the market, making an annual profit of many thousands of dollars. It was estimated by good judges that this reservation before the reduction, when it contained 25,000 acres of the valley, would, if properly managed, have been able to support all the Indians in California without charge to the Government; and the evidence satisfied the committee that the limits of the present reservation embrace land productive and well calculated for the production of everything necessary for the support of many more Indians than are now to be found in the State of California; yet, while men without authority and without paying anything to the Government have occupied from 90,000 to 95,000 acres of the 102,000, constituting the reservation for the last twelve or thirteen years, the Government has been obliged to pay during that time for the support of the few Indians upon the reservation since the year 1873 the sum of $241,975.93, an average of $20,165 a year. This statement itself is a sufficient commentary upon the folly which has marked the administration of this reservation during this time. In the mean time the agency buildings have rapidly deteriorated, and are now in a condition of decay and dilapidation. An outlay in addition to this annual cost is necessary for the repair and restoration of the agency buildings and appointments suitable for the maintenance of the agent and employés, and the comfort of the Indians that remain on the reservation. The committee are unable to find any excuse for this condition of things.

Notice of this occupancy by those who have no right to almost this entire reservation seems to have been brought more than once to the attention of the Government, and feeble attempts, at different times, have been made to recover portions of this reservation from the possession of white men. Several suits were commenced in the United States court at San Francisco for the possession, from different parties, of about 1,000 acres, more or less, of the reservation. The committee are unable to ascertain with what vigor or fidelity and thoroughness these suits were prosecuted. Judgment was rendered against the United States in these suits in the United States court in California some time since, and an appeal was taken to the Supreme Court at Washington. This

appeal was dismissed during the last session of the Supreme Court, for what reason, and whether with the knowledge and concurrence of the Interior Department, it is not known; nor were the committee able to determine, with any definiteness, how large a portion of the reservation was affected by the adverse judgment which necessarily followed a dismissal of this appeal.

The act of March 3, 1873, provided for the appointment of three commissioners who should, among other things, make an appraisement of all improvements of white persons who were at that time located upon the lands included within the present limits of the reservation, and it was further provided that out of the proceeds of the land thrown open by that act to settlement these improvements should be paid. And all settlers residing upon such new reservation "shall be required to remove therefrom as soon as they shall be paid for or tendered the amount of the appraised value of their improvements."

The commissioners appointed under that act proceeded, after having established the limits of the reservation, to appraise, according to the requirements of the statute, the improvements of such settlers as were found then upon the land. The report of those commissioners, and their appraisal of the improvements found by them upon the land, together with the sums paid by them to different occupants of the land, are found in House Ex. Doc. No. 118, Forty-third Congress, first session, which also accompanies this report. From that document it appears that twenty-seven men were found to be occupying some portions of this territory within the limits of the present reservation. Their improvements were appraised, in the aggregate, at $32,669.78, and the amount paid to each individual accompanies that document also. The nine individuals and firms who now occupy some 95,000 acres, more or less, of this reservation, base their right of occupancy upon the claim that they were there themselves, or have become purchasers of the rights of individual settlers, whose improvements had been appraised by this commission, but who had not received compensation for such improvements; and they claim that by provision of this statute these settlers were not required to remove from this reservation until they had been paid or tendered the amount of the appraised value of their improvements. The provision of the statute upon which this claim is based has been already quoted, and is in the following words:

> And all settlers now residing upon the tract herein described lying north of the south boundary of said reservation shall be required to remove therefrom as soon as they shall be paid for or tendered the amount of the appraised value of their improvements.

Previous to the act of 1873 no part of the present reservation had been open to settlement under the provisions of the land laws of the United States, but these persons had doubtless gone upon the same, and made the improvements alluded to in this act in good faith, with the intention to become settlers, and obtain title thereto whenever the land was put into the market under the land laws of the United States, but the committee do not know of any law by which any one of them could at that time, or since, have obtained by mere occupancy more than 160 acres of this land, either under the pre-emption homestead or other laws by which settlers obtain title to the public land, and they are unable to discover any method by which any one settler could have put improvements upon more than any one lot of 160 acres of land to which he could have set up any color of title under the term "settler." Therefore those of these nine persons who were numbered among the original settlers described in this statute, and

those of them who succeeded to the rights of other settlers, could at most have had improvements only upon 160 acres each, or nine times that amount, or 1,440 acres in all. It is impossible for the committee to discover how nine settlers, such as are described in the act of March 3, 1873, have been enabled to enlarge their occupancy until finally they have come to occupy exclusively, and in every respect as if they own the fee, the number of acres of land now occupied by each as described in the table of occupancy already embodied in this report, amounting in the aggregate to 97,500 acres. One of the parties now occupying this large portion of the reservation has described the nature of their claim to occupancy in the following manner:

They contend now that they have a right to remain until Congress appoints a commission to appraise the land properly; and pays the full value of their improvements.

Q. Are they willing to go then?—A. Well, I don't know; but they think they would *have* to go after that. If they don't have to go, they certainly won't go.

Q. They think when this is done they will have no further rights?—A. Yes, sir; I suppose so.

Q. Under what claim of right did they make the improvements in the beginning?—A. As settlers of public lands of the United States.

Q. Were these lands open to settlement at the time?—A. Yes, sir.

Q. Were they surveyed lands?—A. No, sir; unsurveyed.

Q. They were not in the market?—A. No, sir.

Q. What right has a settler before the land is opened for sale?—A. The way I understand it is that the United States invites settlers to settle whether the land is surveyed or unsurveyed. They can settle at any time. After the land is surveyed and the Government concludes that it wants the land it cannot take it without paying for the improvements.

Q. Why?—A. Because it has invited them to settle upon the land.

Q. How much land do you understand a settler can take?—A. One hundred and sixty for pre-emption or homestead.

Q. The improvements of how many settlers did Mr. Uptegraff purchase?—A. He purchased the improvements of only one settler.

Q. And that settler was only entitled to 160 acres?—A. Yes, sir.

Q. Did he make any improvements himself?—A. Oh, yes; a good many. He purchased somebody else's land, and added to it by adding other improvements in the same place.

Q. How could he enlarge it into 20,000 acres? Did he buy a right of these men to spread it?—A. Well, I don't know his opinion in regard to that.

Q. Take the Henley brothers, they bought somebody's improvements?—A. Yes, sir. They bought one-half of E. S. Gibson's. Really, George Henley bought the half of Gibson's place. Gibson had made the improvements before the land was included in the reservation.

Q. Gibson made an improvement as settler?—A. He made an improvement.

Q. Will you explain to me how the Gibson improvement got spread out into 16,000 acres?—A. By his using that much?

Q. Yes, sir.—A. Just the same as other settlers use 20,000 or 30,000 acres sometimes. Men can come into that area and take up claims. When unsurveyed and nobody wants to settle, the settler uses that much if he can.

Q. Of course that remark applies to all of them?—A. Certainly.

The present occupants of this Territory have added largely to the improvements that existed upon the land at the time of the passage of the act referred to, and after the appraised valuation was made under that act, and have by the erection of fences and other permanent structures treated it in all respects as if it were their own land, while the Government has been compelled to support the Indians upon this reservation out of its Treasury at a very large expense, and to make from time to time great outlays to maintain the necessary outfit of the agency; and during all this time the agency proper, and buildings occupied by such Indians as do not live in tents, and those necessary for the cultivation of the land in the immediate vicinity of the agency, have been, as has already been stated, becoming every year more and more dilapidated. An immediate outlay of a considerable sum of money will be required in order to

maintain them in any manner suitable for the comfort of the agent and employés and for the care of the Indians.

The valley land is exceedingly fertile, and capable of producing valuable crops of hops. There is a grist-mill upon the reservation capable of grinding not only all the grain necessary for consumption at the agency, but for all the white people of that vicinity, and capable of becoming a source of income to the agency. There is an abundance of timber in the vicinity of the saw-mill which could be made into lumber sufficient for the restoration of all the buildings, and the construction of new ones at the agency, and also for sale to the white people in the towns about, where there is great demand for such lumber. But in all such operations having a tendency to relieve the agency from being a charge upon the Treasury of the United States, and also calculated to bring the Indians into a condition of self-support, and of industrious habits, the agency is greatly crippled by the condition of things herein described. It is without funds to carry on the grist-mill and saw-mill, and the cultivation of the valley land, nor is it able to maintain its herd for want of grazing lands.

The agency is poor in everything pertaining to its management, consequent upon the fact that almost the entire value of the reservation goes annually into the pockets of the men who occupy its grazing lands in the manner herein described.

The committee were unable to find any reason for the continuance of this condition of things. Indeed, they are at a loss to understand how it came about at all. The men thus occupying the reservation, it was testified before the committee, had acquired large fortunes from this occupancy, and the evidence everywhere was concurrent that immense profits resulted from the use they were permitted to make of the reservation lands. There were men of large means, and responsible, who testified before the committee that they had offered to furnish bonds to the Government to support the Indians in a manner satisfactory to the Government, and free of charge, if they could be permitted to occupy the reservation in the manner these men occupy it without paying anything for it. There were others who testified before the committee that this reservation itself was capable of maintaining all the Indians in California free of charge to the Government if its resources were only husbanded in the manner in which prudent and enterprising men manage their own private affairs.

The committee are of opinion that this condition of things should no longer exist, and that the administration of the Indian Department should not only be clothed with power, but required, without delay, to take efficient measures to recover for the use of the United States all the lands within the limits of this reservation to which its title now remains good. The Army of the United States has been recently employed to drive from lands within the limits of other Indian reservations those who have gone upon them for purposes of settlement.

This committee can see no ground for distinction between the men thus driven off by force and those occupying almost the entire Round Valley Reservation in the manner herein described. If any of those thus occupying it have failed to have the improvements that they had at the time of the enactment of the law of 1873 upon these lands appraised or paid for according to the provisions of that act, measures should be taken at once to complete the appraisal and tender payment to them for their improvements which then existed upon the land.

The committee are of the opinion that they had no shadow of right to add to those improvements after the passage of the act of 1873, and

any improvements put upon these lands since the date of that act and the establishment of the boundaries of this reservation have been put upon the land without right, and the owner can make no claim upon the Government therefor. That act provided for all such improvements as then existed upon the land, put there by men who went there as settlers, and these should be paid for; but it furnishes no ground for the claim of other persons but those who were then the owners of improvements upon the land, and their erecting new improvements or maintaining any possession of the land whatever while waiting for the United States to pay the original settlers for the improvements they then had. In the opinion of the committee, all persons except those who had actually erected improvements upon this land prior to that act are trespassers; and that those persons who were then occupants and have never been tendered the appraised value of their improvements can at most claim the occupancy of but 160 acres each while waiting for the payment provided for in that act.

The present condition of things ought not longer to continue. If these occupants have any claim upon the Government growing out of the failure on its part to comply with the statute of 1873, it is quite time that the matter was considered and every claim of that kind satisfied. The committee are of opinion that the earliest measures should be taken to reduce the boundaries of this reservation to the present wants of these Indians. All that are upon it cannot amount to more than seven or eight hundred, men, women, and children. A few thousand acres of valley land, with perhaps a small portion of upland for grazing purposes, is all that can be utilized for their benefit. To these needs the limits of the reservation should be reduced, and all Indians capable of taking care of themselves should be put upon a sufficient amount of this valley land, each in severalty, and in quantity sufficient for his support.

This land is so fertile and productive that, in the opinion of the committee, a much smaller amount than 160 acres is sufficient for all the wants of any head of a family, and would be all that he could be induced for many years to cultivate. The opinions of witnesses examined generally agree in the statement that about 40 acres would be all that is necessary for a head of a family. It may be wise to join to these allotments a portion of the upland for grazing purposes. At any rate, it is the duty of the Government to take these Indians and their reservation in hand, and, after having reduced the reservation to their present wants and prospective development and apportioned to each one all his necessities, require the balance of the reservation to be sold and the money put into the Treasury for the benefit of these or other Indians. Hardly any of the upland can be used for homestead purposes. It is almost exclusively grazing land, and therefore must be held in larger quantities than 160 acres.

The committee think that a commission should be appointed to appraise this land, in quantities of not more than 640 acres, and that it should thereafter be sold at auction to the highest bidder above said appraisal, and the proceeds, after defraying the expenses of the sale and reduction, should be held by the United States in trust for these Indians, or such other Indians as justice and equity shall require. The necessity of making some such disposition as this of the reservation is very pressing, and a longer continuance of the present state of things is a waste of large resources, and is suffering the Indians to drift away into useless as well as spasmodic efforts to sustain themselves, while the Government property is fast going to decay. These Indians are now so

far advanced that a little care and the proper disposition of them upon a portion of this land will result in making them not only self-supporting, but in time useful members of the community in which they live, while the funds derived from the sale of that portion of their reservation not needed for their support can be devoted to their civilization and education, and to that of other Indians in that vicinity, resulting in permanent good to the race. A longer continuance of the existing state of things will, on the other hand, result in a relapse of the Indians into barbarism, and a waste of a vast amount of Government property.

The condition in which the committee found the Indians in Southern California will be best understood by the testimony annexed to this report. They have been sadly neglected by the Government, and their condition is one that brings nothing but reproach upon those to whom they have been accustomed to look for the preservation of their rights. That condition has been so fully set forth in a recent report made by Mrs. Helen Jackson and Mr. Abbott Kinney to the Department, which is also made a part of the evidence in this case, that the committee do not deem it necessary to more than corroborate the condition of things as therein represented, and to approve of the recommendations made by that commission in reference to this unfortunate portion of the race residing in Southern California. The demand for the relief suggested in that report is pressing, and every day's delay enhances the difficulties and brings new hardships and suffering upon these Indians. There can be no excuse for a longer continuance of the condition of things now existing there, and which is so urgently pressed upon the consideration of the Government in the report already alluded to.

TESTIMONY

CONCERNING

CERTAIN INDIAN TRIBES.

SAN FRANCISCO, CAL.,
September 18, 1884.

Testimony of Paris H. Folsom.

PARIS H. FOLSOM examined.

By the CHAIRMAN:

Question. Mr. Folsom, will you give us your full name?—Answer. My name is Paris H. Folsom.

Q. What official position do you hold?—A. I am a special Indian agent.

Q. You have recently visited Round Valley Indian Reservation in this State?—A. Yes, sir.

Q. What was the object of that visit?—A. I was sent to Round Valley by the Department to inquire into the condition of the Indians there, what their relations were to their white neighbors, and to examine into the interests of the reservation and Government generally. I did not go into the legal question of the division of the land because that subject was not before me.

Q. State to us what you found to be the actual condition of things upon the reservation without regard to the legal questions involved.—A. I found the Indians very much cramped for space; and a great many said to me voluntarily that if they allowed their horses to go into the fields occupied by the agent's horses trouble resulted; and if their chickens went into the grounds of the agency there was trouble also. They complained that they did not have land enough—they wanted more space.

Q. What is the difficulty?—A. They complain that they have no rights, and that they are persecuted because they are considered as intruders upon the land by the whites, who consider themselves the sole possessors.

Q. Who did you find to be occupying the reservation, the Indians or somebody else?—A. I found that white men were in possession of a very large proportion of the reservation.

Q. What proportion was in possession of the Indians?—A. I do not think the Indians have one-twentieth part of the reservation to themselves.

Q. How many acres of land does the reservation contain?—A. The reservation contains in the neighborhood of 125,000 acres. I do not know the exact figures.

Q. Do these white men have cattle and sheep upon this land?—A. Yes, sir.

Q. Are there any Government cattle upon the reservation?—A. I saw very few cattle belonging to the Government—very few, indeed. I found droves of sheep upon the good land, but cattle were scarce. I do not believe I saw fifty head of cattle. These were in the woods and on the poor land. The Indian has no show at all. He is at a disadvantage at every point.

Q. Who is occupying and using the land?—A. It is occupied and used by white men who have made improvements upon it, or who have bought out original occupants who made improvements a great many years ago.

Q. The parties who now occupy the land have bought out the original parties?—A. Yes, sir, they have bought the land at a low figure for the purpose of grazing. It is a grand grazing country, a very rich grazing country. The advantages to these parties are very perceptible. They have gotten on this reservation without investing a dollar. They have none of the burdens of the citizen either with reference to the State or the United States Government. They are getting rich, and it is to their advantage to keep the Indians in the background.

Q. How many cattle and sheep are there on the reservation that do not belong to the Indians or to the agency?—A. I do not know, sir. I figured that out, but I do not remember the figures. [Here witness refers to the written report upon Round Valley.] Here I have it: "There are about 46,000 head of cattle, horses, and sheep upon the reservation being fed by the United States, I might say, gratuitously."

Q. You need not read from your report, but just state the number as near as you can.—A. There are about 46,000 head of cattle.

Q. These are all that are upon the reservation?—A. Yes, sir.

Q. How many of these belong to the Indians?—A. Not one.

Q. The Indians have no cattle, then?—A. No, sir; except possibly a hog or two, and Mr. Sheldon told them they must not keep hogs.

Q. What reason did he give for this?—A. He gave no satisfactory reasons.

Q. Mr. Sheldon, is there now, I believe—we shall find him there?—A. Yes, sir.

Q. Did the agent (Sheldon) discourage the Indians in keeping cattle?—A. Yes, sir; as they represented it to me.

Q. Did you mingle with the Indians and get your information from them?—A. Yes, sir; that was my purpose in going there, and then to report to the Commissioner of Indians what I saw there. I associated with the Indians and got my evidence from them.

Q. Are the Indians desirous of occupying more land with their own cattle?—A. Yes, sir.

Q. Are they pretty well advanced in civilization?—A. Yes, sir; they are far above any other Indians with whom I have come in contact.

Q. Are they blanket Indians?—A. No, sir; they dress in citizens' clothes.

Q. Do they speak English?—Yes, sir; they converse in English, and are very intelligent Indians.

Q. Do they understand what to do to support themselves?—A. Yes, sir; some of them have market-gardens, and are very thrifty. In a few years, after they have had more experience with their crops, all under forty years of age would be able to support themselves. The old, the weak, and decrepit could not earn 5 cents a month.

Q. How many Indians are there on the reservation?—A. Five or six

hundred. There some Indians in the neighborhood of Ukiah who left the reservation because they did not like the agent, Mr. Sheldon. They say they want to come back if the agent should be removed.

Q. Did it appear that this late agent was in the interest of the stockmen?—A. I would not dare to say that; but I do want to say that matters there ought to be corrected in some way, and I give the information I got myself.

Q. Hops are raised on the reservation?—A. Yes, sir.

Q. To any great extent?—A. I found the crop of hops was about 10,000 or 15,000 thousand pounds for this year.

Q. Do the Indians have hops of their own?—A. Some of them have.

Q. Do the Indians cultivate the reservation hops—were they managing the whole thing themselves?—A. The hops are under their own individual direction. The hops are dried in the hop house, and then disposed of for the benefit of the Indians, and the money goes into the hands of the assistant United States treasurer at San Francisco, and is used for the benefit of the Indians instead of the Government appropriating so much money. The agent manages this matter, and I found that Mr. Sheldon had sold a crop of hops for a sum in the neighborhood of $10,000, through a commission house in San Francisco. It was his duty the same day to put the money into the hands of the assistant treasurer. There is no doubt about that at all. I found that Mr. Sheldon did not draw the money from the hands of the commission merchants.

Q. He could not tell the day the hops were sold?—A. Hops are just like gold or wheat here. Mr. Sheldon could not give me a bill of sale, and did not know anything about it. I found that he had been drawing on the commission merchants here, and a part of the money was in the hands of those merchants for nearly a year afterward. He drew as he needed the money. You can draw your own inference. Mr. Sheldon represents that he did not do anything with the saw-mill because he had no money to run it with. Well, he has run it very seldom, and it needs some attention. It is an industry which really ought to be brought forth. That mill ought to be put to the same use as the ground that raises hops. The saw-mill ought to be run in the same way. There is no mill within 40 miles except this one. Every one wants lumber. There would be no private individuals to cry against it.

Q. You mean that the Indians could take their own timber and convert it into lumber, and sell it to advantage.—A. Yes, sir; with a white leader. But there was a disposition on the part of the agent whenever an opportunity offered to put in a white man or white boy. Bright, intelligent Indians, capable of rendering assistance have been crowded out. They should be given these places so that they can learn the business, and then instruct others. The agent had an assistant as a clerk employed in the office, Saula Wilse, who is an Indian, and the only one employed there. They have too many white employés at the mill. Their logger is a white man.

Q. How many years has Mr. Sheldon been there?—A. Unfortunately he has been there six years.

Q. Their interests have been waning all that time?—A. Yes, sir.

Q. Has the agent built houses for the Indians?—A. He has built some houses, but not near so many as he ought to have built. The sanitary conditions are bad; I saw no privies, and asked the Indians where they were, and they replied that they went into the timber. They said the agent would not give them any lumber. Some of hese Indians can read and write and have a good idea of business. John C.

Henan is a thoughtful young man, and he asked me a great many questions about the rights of the people, and about the land. They are withal intelligent, progressive Indians.

Q. Do you think the Indians generally are so far advanced that they could be set up with land in severalty?—A. No, sir; not generally.

Q. Could many of them be set up in severalty, do you think?—A. Yes, sir; a good many of them. I suppose there are less than 100 who could take and manage a farm for themselves.

Q. A hundred heads of families, you mean?—A. Yes, sir.

Q. A hundred could be set up on land in severalty, and could understand what it meant?—A. Yes, sir; including those Indians who have left the reservation; not those on the reservation. You will probably find 50 heads of families there, but a great many have left the reservation and are earning their own bread.

Q. If the reservation was clear of white people could the Indians be gathered there?—A. If all the wandering Indians could be gathered there there would be 1,000.

Q. Would they be willing to return?—A. Yes, sir; I think so; but I am not fully informed upon the subject. My orders were to proceed to a certain place, for a certain purpose.

Q. State generally how the agent has been able to keep his accounts up.—A. I found, for instance, that whenever a ticket came in for 10 yards of calico he instructed the clerk and this Indian I spoke of in such cases to give only 8 yards.

Q. He instructed them to give only 8 yards for 10?—A. Yes, sir.

Q. The Indian would be entitled to 10 yards of calico?—A. Yes, sir; but he would get only 8, and 10 or 11 yards would be charged.

Q. This would be charged to the Indian?—A. Yes, sir; he would be charged with the amount of the ticket, but receive 2 yards less.

Q. Did this run through other articles?—A. That runs through the calico, flannel, sugar, and rice.

Q. So he should have property on hand?—A. Yes, sir; he ought to have a great deal of property on hand.

Q. Did he convert that to his own use?—A. He was accused of doing so, but I could not prove it absolutely; that is the reason I did not speak of it. He has the benefit of the doubt. I believe he lived off these little things.

Q. Would it be advisable, with the saw-mill and lumber, to put up houses for the Indians?—A. Oh, yes; houses ought to be built, and those now standing ought to be improved.

Q. Would the Indian take hold and help?—A. Yes, sir; there is no doubt of it. I hope you will see these Indians and have them come before you themselves and talk to you, and not have them represented by somebody else; you will find that they can talk intelligently.

Q. Will the present agent enter into the work with ardor?—A. Yes, sir; I think so. I met him in Washington before he took charge of the agency, and he was very particular in his questions about the condition of these Indians. He kept me for an hour or two talking the matter over.

Q. What is their condition now as compared with what it was five or six years ago? Have they improved?—A. No, sir; they have been almost at a standstill.

Q. What is the reason for this?—A. No reason, except a lack of proper management.

Q. Have they retrograded?—A. They are about at a standstill, as I said before.

Q. Have they increased in numbers?—A. No, sir; they are decreasing.

Q. Do the whites crowd in upon them?—A. Yes, sir.

Q. Do they acquiesce in what the whites do?—A. No, sir; they resent it, but have been hampered by the whites and the agent. They complained that they could not have their own hogs, and wanted the privilege of shooting the wild hogs. (These are hogs that have strayed and have no mark.) They said that if the whites shoot these hogs there is no complaint, but if an Indian shot them it was otherwise. He did assert the rights of the Indians on paper, and was very loud in his family prayers, but they have found the facts the opposite.

Q. He maintained family prayers at home along with the policy you have already indicated?—A. Yes, sir.

By Mr. MORGAN:

Q. Mr. Folsom we would like to know whether we cannot get those Indians together without having to travel all over the reservation?—A. Oh, yes, sir. I am sorry I cannot go with you, but I am very busy getting in Indian supplies. I am at my warehouse at 7.30 every morning. If it did not take so long I should like to go, because there are little things I could attend to very nicely indeed, that would aid you.

Q. How long were you there?—A. I was there six weeks.

Q. I suppose your careful examination has relieved us of a great deal of work?—A. I think, so far as the Indian's welfare goes, the Commissioner of Indian Affairs is pretty well satisfied.

Q. Do you think we will alter the facts from your statement?—A. No, sir; not a particle.

Q. If so, what is the reason of doing it at all?—A. That is for you gentlemen to say. I have worked very hard, and have aimed to get at the bottom of the thing.

Q. What is the date of your report?—A. It is dated June 2.

Q. June 2 of this present year?—A. Yes, sir.

Q. Was the report made here?—A. No, sir; I was in Washington when I made it.

By the CHAIRMAN:

Q. Have the cattle-men erected fences upon this reservation?—A. Yes, sir; they have erected fences that are sheep-proof.

Q. Are they wire fences?—A. Partly wire and partly staves.

By Mr. MORGAN:

Q. What road is it that runs in that direction?—A. The San Francisco and Northern Pacific Railroad. The grave questions which will sooner or later come before you, gentlemen, are whether it is good policy to hold this land for the Indians, and how much of it to hold, and the matter of settlement with these white people now upon the reservation. It all boils down to that.

Q. These men have no patents for their lands, have they?—A. On the reservation all the claim they make is for their improvements. I do not know the legal status of the lands in the matter of the swamp and overflowed lands.

Q. I suppose the country is mainly well timbered?—A. Yes, sir; it is a wonderful country. There is a great deal of timber, and hundreds of acres entirely clear—a beautiful country for sheep and stock, but it is now being overstocked by the whites.

Q. Is there a plenty of water?—A. Yes, sir; it is well watered, and is a charming and delightful place. I think it would be an elegant

place in which to gather the scattered bands. There is a plenty of water, and the greatest quantity of salmon. The salmon run up the Eel River from the sea; that is, up the branches of the Eel River. I found several Indians working in the grist mill who had been there for several years, and understand milling just as well as any one. They are very faithful workmen. There are numbers of Indians in Round Valley who are temperate in their habits. It is said an Indian is indolent, but there are lots of them who are struggling to get along, and they ask for more house room.

Q. What tribe is it?—A. There are several tribes.

By the CHAIRMAN:

Q. Do you think of anything else that will be of use to us?—A. Well, in regard to the condition of those Indians, I would suggest that you send for the Indians themselves to come before you. Sam Rowe, John Brown, John C. Henay, George Burchard, Jim Healey, and Mrs. Fulwilder can give you useful information. In regard to the white men there who are interested, senator, I think Mr. Uptegraff you will find will give you valuable information. I see he is one of the men set down in this report (referring to Senate Ex. Doc. 22 Forty eighth Congress, first session). He is a successful German farmer, and a very fine man indeed. You will get at the facts from him.

Q. His claim is on the reservation?—A. Yes, sir; but he will give you a fair statement of it. There is also Mr. Whitcombe Henley, who keeps a store in Round Valley, at Covelo. He is a brother of Congressman Henley.

Q. Have these Henleys any land claims?—A. They have in the valley.

Q. Not upon the reservation?—A. They have a mixed claim.

WITNESS. Is it your purpose to go to the Indian Territory from here?

The CHAIRMAN. No, sir; not until after the elections.

WITNESS. There are one or two things I would like to mention in connection with that Territory?

The CHAIRMAN. Perhaps you had better put it in writing?

WITNESS. Yes, sir; I shall do so.

The CHAIRMAN. Then we can carry it with us.

UKIAH, MENDOCINO COUNTY, CALIFORNIA,
Sept. 21, 1884.

Testimony of Charles H. Eberle.

CHARLES H. EBERLE sworn and examined.

By the CHAIRMAN:

Question. Mr. Eberle, will you give us your full name?—Answer. Charles H. Eberle.

Q. Do you reside in this county?—A. Yes, sir.

Q. How old are you?—A. I am fifty-one years of age.

Q. Did you ever reside at Round Valley?—A. Yes, sir; I resided at the Round Valley Indian Reservation from its earliest establishment up to within three years.

Q. In what capacity were you there?—A. Most of the time as farmer.

Q. Were you employed by the Government in the capacity of farmer?—A. I was not employed for the reservation, but on my own account.

Q. Have you been in the employ of the United States Government there at all?—A. I was employed a portion of the year 1858 by the Government. I had charge of the Government pack train. That was the spring of 1858.

Q. Did you own land there?—A. Yes, sir.

Q. How much land had you?—A. I had 440 acres.

Q. How did you cultivate your land?—A. Well, in the ordinary method.

Q. Did you use it for stock or grain?—A. I used it partly for stock and partly for grain and vegetables.

Q. How near was it to the reservation?—A. It was right close to it until the passage of the act of March 3, 1873. By that act my farm was embraced in the reservation limits.

Q. Before that act was passed it was just close to the reservation?—A. Yes, sir.

Q. When the boundaries of the reservation were changed by the act of the 3d of March, 1873, this land fell within the established limits?—A. Yes, sir.

Q. Did the Government buy the land of you?—A. Yes, sir.

Q. Then you went away?—A. Yes, sir; I went to the southern portion of the State, and afterwards returned.

Q. Did you return to Round Valley?—A. No, sir; to the county.

Q. Since March 3, 1873, how much have you known about the Round Valley Reservation? Have you known much about it?—A. Yes, sir; I have.

Q. How often have you been there?—A. Continually from that time until the fall of 1880.

Q. Since 1880 where have you been?—A. In the southern portion of the county.

Q. Have you been there frequently since 1880?—A. No, sir; not since 1880.

Q. Do you know the extent of the present reservation?—A. Yes, sir; I have been over it hundreds of times.

Q. What proportion of the whole reservation, as it was established by the act of March, 1873, do the Indians actually occupy now?—A. I could, with a little time, tell within a few acres.

Q. Could you tell more accurately by referring to the map which you have?—A. Yes, sir.

Q. Why do the Indians not occupy the whole reservation? Is it because somebody else occupies it?—A. Well, it is occupied by other parties—by some five or six white men.

Q. Tell us about these Indians. Are you acquainted with other Indians in the country, or are these the only ones?—A. Well, I have been in this State since 1849.

Q. Are these blanket Indians?—A. They are not now blanket Indians. All of them are clothed. It was different when I came here.

Q. They wear citizen's clothes?—A. Yes, sir; and many of them are intelligent, and quite a number can read and write.

Q. Have they a school?—A. They have had a school for a few years past. Their building was burned a few years ago, but I presume they have kept up the school.

Q. They have not rebuilt that building?—A. No, sir.

Q. Do they have any appropriation from Congress, or do they depend upon their own labor for subsistence?—A. They have a yearly appropriation, and have always had.

Q. Do you know how much it is?—A. It differs. It is generally about $70,000 or $75,000 a year.

Q. This amount is appropriated for the Round Valley Reservation?—A. Yes, sir.

Q. Is it appropriated in money or in provisions and clothing?—A. It is a money appropriation with certain specified objects.

Q. What is the condition of these Indians now as compared with five years ago; are they better off?—A. I think not, sir; I think they are not as well off.

Q. If they had some one to direct them could they support themselves?—A. The best answer to that question is this: A number of them were not satisfied with the reservation, and left it, and bought land and are running farms like white people.

Q. How did they get the money to pay for this land?—A. They worked for it; they are good workers. They went off of the reservation and worked. All the money they get is made off of the reservation.

Q. Do you mean outside of the reservation?—A. Yes, sir; outside of the reservation.

Q. When they go to work for wages do they save their money or spend it for whisky?—A. We have Indians in this neighborhood owning tracts of land, and they have money in bank. There are some living below here who have a hop ranch, and others above, owning tracts of land, and the land is paid for.

Q. Are these Indians who have gone away from the reservation a fair average of the Indians, or are they the best of them?—A. Well, they are about a fair average.

Q. Do you mean by this illustration to say that those Indians on the reservation could do as well as these with the same opportunity?—A. Yes, sir.

Q. What is the character of the land included within the limits of the reservation?—A. The finest land in the State is within the boundaries of the Round Valley Reservation.

Q. Is the whole reservation good or is only a small part of it?—A. The greater portion of it is in the surrounding hills, although those hills are as good for cultivation, and even better, than the lands below here.

Q. The reservation is made up of the uplands and the valley?—A. Yes, sir; and the larger portion of hill country or uplands.

Q. What portion of this whole reservation is of the valley proper?—A. Probably in the neighborhood of 3,500 acres. I could tell by a little figuring.

Q. The most of it is hill country?—A. Yes, sir.

Q. For what purpose is the hill country best adapted? Is it best adapted for pasturage?—A. Yes, sir; it is now best adapted for pasturage. If it were nearer market it could be used for farming. If it were nearer San Francisco it could be cultivated. It is capable of the highest cultivation.

Q. Is it capable of cultivation to the extent of supporting all of the Indians on the reservation?—A. It is capable of supporting not only all those on the reservation but those off of it too. That reservation, properly managed, could support nearly all the Indians in California.

Q. Do you know anything about the Indians in Lake County?—A. Yes, sir.

Q. Do they belong to the same race as the Indians here? Are they a distinct tribe?—A. Yes, sir; they are a distinct tribe. There were originally in this county fifteen or twenty distinct tribes. There are fragments of tribes all over the State. They all have a different dialect.

Q. Is it a practicable thing to gather these Indians on this reservation?—A. I think now that they have become so nearly civilized they would not be satisfied to be taken to any reservation. They would prefer to support themselves, and be their own masters. The reservation system is a system of slavery. The labor with them is forced.

Q. Are those on the reservation contented?—A. I should say they were. In fact, the Indians now do as they please. That is, they are not afraid to go off the reservation if they want to. There was a time when they had no more say than a negro.

Q. You mean to say that the agent has little control over them?—A. Those who desire to go would now go, agent or no agent.

Q. Are they such people as could take care of herds of cattle if they had the opportunity? Could they go into the herding business?—A. It would hardly be practicable.

Q. Why?—A. I could give the reasons why.

Q Well, give them.—A. An Indian is a person who does not wish to be tied down. A herd requires constant attendance, and you cannot get an Indian to devote himself to it—he wants to have a holiday often.

Q. How could they best be employed to make them self-supporting?—A. Their idea, from what I can see and know of them, I think is to have a place of their own.

Q. Each individual Indian?—A. Yes, sir; individuals or families.

Q. How many Indians are there so far advanced that if they were told to go and pick out 160 acres to have as their own could do it?—A. In the first place 160 acres would be too much.

Q. How much, then?—A head of a family with 20 acres would be as much as they would care to bother with. It would be ample.

Q. He could not keep stock on such a small piece of land?—A. He could keep a pony or two. They do not take favorably to cows because they have to be milked night and morning.

Q. Is it not difficult to make good citizens of Indians as long as they have ponies? Is not that the trouble in civilizing Indians, because they will be riding around most of the time?—A. Well, that is the way they will do, but the young ones are not accustomed to riding.

Q. How much of a successful farmer can you make of a man who prefers to ride his pony around the country?—A. There are Indians here who have bought land and have hops; they are making money and doing well.

Q. Are the Indians upon the reservation so far advanced as to be able to manage a hop field?—A. Yes, sir; they are doing it now. They also raise corn, vegetables, &c., as well as you or I could do it.

Q. Are all their wants supplied; have they been well taken care of?—A. For a number of years labor has been in demand, and they have always had money.

Q. How is the agency supplied with beef?—A. They have a herd, but do not manage to get much beef.

Q. How large a herd is it?—A. For a few years there has been about 500 head.

Q. Is it on the increase or decrease?—A. It is on the decrease, to my knowledge.

Q. What has been the reason for its being on the decrease?—A. Because all the grazing land is occupied by settlers, and sheep and cattle do not take kindly to the same land. All the grazing land is occupied by sheep men.

Q. If the agency had as large a range as it wanted would it be prac-

ticable to enlarge its herd?—A. Yes, sir; there is ample land to raise all the beef required.

Q. Do these stockmen stock the land with sheep or cattle?—A. With sheep; the main business is sheep raising, with a few cattle.

Q. Do they occupy the land to the exclusion of the Government herd?—A. Yes, sir; the sheep crowd the cattle and horses off.

Q. That is the case on this reservation; the sheep have crowded the cattle off?—A. Yes, sir.

Q. Is that the reason the herd has not increased?—A. Well, they could not keep a much larger herd with the scarcity of grass.

Q. The grass left by the sheep you mean?—A. Yes, sir.

Q. With the grass left for the Indians by the sheep-men, have they as large a herd as they can have?—A. I think they have more than will do well.

Q. Does the agent have to buy beef?—A. The agency has bought beef from the cattle-men for a number of years.

Q. What proportion of the beef used has been bought?—A. Probably two-thirds.

Q. Beef has been bought for a number of years?—A. Yes, sir.

Q. If the agent could have entire control of the reservation could he raise all the beef he required?—A. If the agent had entire control of it there is no reason why he could not raise all the beef, and more, too, than is needed.

Q. Is there anything else bought off of the reservation which might be raised there without trouble, beside beef?—A. They have generally been able to raise enough of everything, grain, vegetables, &c., for their own use, and have been selling for years more or less; and they have a flouring mill where they have also been doing the grinding of the citizens of the valley.

Q. Does it bring in a revenue to the agency?—A. Yes, sir.

Q. Do you know of their purchasing flour off from the agency?—A. It has been a good many years since it was done. They have sold instead of purchasing.

Q. We were told so on the way up here.—A. What they have been doing in the last year or so I don't know; but there is certainly no need of going off the reservation for flour. There is ground enough to raise wheat, and a mill to grind it in.

Q. Now, you say sheep-men are occupying a large portion of this reservation?—A. All the land upon the reservation, with the exception of a small piece in the valley of about 2,000 acres, is used by settlers.

Q. All the rest is occupied by sheep-men?—A. Yes, sir.

By Mr. CAMERON:

Q. Will you give the names of each one?—A. I have a map with me giving the different divisions of the land, with the names of the occupants.

Q. Well, you can use your map.

The CHAIRMAN. Oh, certainly.

A. If you will look at the map, gentlemen [referring to map], you can see the lines. Here in the southeast part is the valley.

Q. This is a map of the Round Valley Indian Reservation?—A. Yes, sir.

Q. It is your own work?—A. Yes, sir; it is my own work.

Q. Were you familiar enough with the region of country to draw a correct map of it?—A. This map is taken from the official map. All

except the northern line was traced from the official map. I was, of course, familiar with the location of the creeks and rivers.

Q. Will you make this map a part of your testimony?—A. You can suit yourselves about that, gentlemen.

Q. What do the figures 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 represent?—A. They represent the ranges claimed and occupied by the different parties occupying the reservation.

Q. What does No. 1 represent?—A. This is the range occupied by Mr. White.

Q. Please state what White it is?—A. George E. White.

Q. He occupies that portion of the reservation which is delineated by the figure 1?—A. Yes, sir; that portion represented by No. 1.

Q. How much of the reservation does he occupy?—A. Well, I had a memorandum by which any one could see for himself.

(The chairman hands witness the memorandum.)

He occupies 7,600 acres of the reservation. This land on the south side of the reservation was restored to the public domain, and White purchased or entered land on the south side, and, of course, the sheep can run at will back and forth on the reservation or on to his own land. The north line of No. 1 represents the dividing line between Mr. White and his neighbors, Henley Bros. and Gibson.

By Mr. CAMERON:

Q. How many sheep has Mr. White on the land occupied by him?—A. Mr. White keeps about 6,000 sheep.

Q. He has incorporated into his own range what is represented by No. 1 on this map?—A. Yes, sir.

Q. His sheep run back and forth?—A. Yes, sir.

By the CHAIRMAN:

Q. How long has Mr. White occupied it?—A. He has occupied it ever since the establishment of the reservation by the act of March 3, 1873, and he occupied it several years prior thereto.

Q. What does No. 2 represent?—A. That represents the portion of the reservation occupied by Henley Bros. and Gibson.

Q. Who are these men?—A. Hon. Barclay Henley is one of the brothers, and Whitcombe and Thomas Henley are the other two. There was another Henley who died, but I believe his interest fell to Barclay Henley; the other party is E. S. Gibson.

Q. They occupy that portion of the reservation represented by No. 2?—A. Yes, sir.

Q. How many acres does No. 2 contain?—A. It contains not far from 28,000 acres.

Q. How long have they occupied it?—A. About the same time that Mr. White has occupied his portion.

Q. Is that also occupied in connection with land outside of the reservation?—A. No, sir; that is all on the reservation.

Q. Is that stocked with sheep to the extent of its capacity?—A. Yes, sir; it is stocked to its full capacity.

Q. Is that true of Mr. White's portion, too?—A. Every sheep that can possibly make a living there is kept.

By Mr. CAMERON:

Q. How many sheep have the Henley Bros.?—A. They have about 7,000 head. They may take off some wethers, but the increase of lambs makes up the number.

Q. Is Mr. White's lambs separated from the rest by a fence?—A. They have dividing lines between their ranges.

Q. Are there fences between the lands occupied by the Henleys and those occupied by White?—A. Yes, sir; they have fences to keep the stock from going back and forth.

By the CHAIRMAN:

Q. What kind of fences do they build?—A. in places where there is open ground there are picket fences, and in rough places the fences are made of brush.

Q. Are there any barbed-wire fences?—A. I understand that barbed wire has been used within a year or two, but I do not know this to be so.

Q. Is the Henley tract fenced?—A. They have a fence between themselves and their northern neighbor. Now, this fence between the Henleys and their northern neighbor has been built since I was there, but the fences on the east and on the south were built then. The Eel River forms the western boundary of the Henley and Gibson ranges.

Q. What does No. 3 represent?—A. That represents the sheep range occupied by Jacob Uptegraff.

Q. How much land is in that range?—A. That contains about 11,000 acres.

Q. Is that stocked with sheep?—A. Yes, sir.

Q. How many are there?—A. It is occupied generally by a band of nearly 5,000 sheep.

Q. Is that exclusively on the reservation?—A. Yes, sir. It does not touch any land outside.

Q. That is separated from No. 2, you understand now by a fence?—A. Yes, sir; and the north fork of Eel River is its northern boundary

Q. Is it separated from No. 4 by a fence?—A. There is a rough cañon which is almost a natural fence between 3 and 4.

Q. How long has No. 3 been occupied in this way?—A. The sheep were all brought into the country about the same year.

Q. What does No. 4 represent?—A. No. 4 represents Mr. Frank Azbell's range.

Q. How much land does that contain?—A. It contains about 8,500 acres, and there is quite a valley there called Summit Valley, containing two or three hundred acres of very good land.

Q. What does Mr. Azbell do with this land?—A. He has sheep, horses, and cattle, and he cultivates the valley land.

Q. What does he raise—wheat?—A. Not so much, principally hay and vegetables.

Q. Does he stock it to its full capacity?—A. Yes, sir; to its full capacity.

Q. Is that land occupied with land off of the reservation?—A. The Azbells join outside land across Hull's Creek, on the north. They owned some land across Hull's Creek. I believe that land was entered up, and Commissioner Smith had the patents all canceled.

Q. Did that embrace any of the reservation?—A. Yes, sir; the northwest portion. Notwithstanding the cancellation of these patents, Azbell occupies the land now as much as if the patents had not been canceled.

Q. No. 5 represents what?—A. No. 5 represents land occupied by Johnson and Eldred. They will tell you they own it.

Q. How much land is in No. 5?—A. There are about 12,000 acres. That comes right into the valley. It extends from the northern boundary clear into the valley. Their sheep run into the valley.

Q. Have they occupied that land as long as the others?—A. No, sir; they have come on since the last agent, Mr. Sheldon, came there.

Q. When was that?—A. They have been on the reservation since 1878. There is a fine valley, called Hull's Valley, of two or three hundred acres, which Mr. Johnson uses for hay and pasturage. Previous to 1878 there was a man who had a few acres fenced and resided there with his family. He left, and I think these men bought what interest he had there.

Q. Ho much land did he occupy there?—A. Only a hundred acres or so.

Q. What does No. 6 represent?

Q. Have you stated the number of acres in No. 5?—A. Yes, sir; about 12,000 acres.

Q. How many sheep are there on No. 5?—A. I stated it to be about 5,000.

Q. Now explain what No. 6 represents.—A. It represents land occupied by J. G. Short.

Q. How much land is there in No. 6?—A. About 18,500 acres, and there is a valley called William's Valley.

Q. How many sheep do they maintain on that range?—A. Short did have about 6,000 head about three years ago, but whether he has that number now I do not know. I do not think he has.

Q. How long has he occupied it?—A. He only bought that some three years ago from the former owner.

Q. Who was the former owner?—A. A man named Martin Corbet.

Q. Did he occupy the whole?—A. Yes, sir.

Q. In the same way Short does?—A. Short succeeded him.

Q. What does No. 7 represent?—A. It represents a piece of land the Foster brothers claim. I think that has changed hands. They had a range and a few sheep.

Q. About how many acres are there?—A. Something over 5,000 acres; about 5,500.

Q. How many sheep had they?—A. They had something like 4,000 head of sheep.

Q. How long had the range been occupied by them?—A. They used that range since about 1873; probably before that time.

Q. What does No. 8 represent?—A. It represents the range occupied by Bourne and Johnson. It is on the eastern line of the reservation. They occupy that, and have also come down below and occupy that portion of the reservation represented by No. 9.

Q. How much land is there in No. 8?—A. About 3,200 acres.

Q. How many sheep have they?—A. About 2,500. Both pieces of land contain about the same number of acres, and they run about 2,500 sheep on each. There are several valleys in this portion of the reservation which are very rich. They have, within a few years, built a very substantial fence on the north line of No. 9, separating it from No. 6.

Q. Is No. 8, which you mentioned as being occupied by Bourne and Johnson, separated from No. 7 by a fence?—A. Yes, sir; there is a very rough cañon there on the west of No. 8 which is used as a natural fence. They burst it in where there are passes and crossings.

Q. What does No. 10 represent?—A. No. 10 represents the land in the valley and a little in the hills, and it also represents what is left for the Indians, except that part of it which is occupied by the whites.

Q. The Indians occupy only a portion of No. 10?—A. Yes, sir.

Q. Who occupies the balance of No. 10?—A. On the west there is a piece of land containing some 220 acres, which is occupied by a man

named Thompson. There is also a man named Bowen who occupies a piece of land in sections 25 and 30.

Q. About how much land has he?—A. Well, Bowen has pretty much the run of the reservation. He is living now in a house built out of reservation material, on reservation land, and occupying a barn bought with reservation money.

Q. Is he an employé of the reservation?—A. No, sir; he is not an employé.

Q. How much land has he appropriated exclusively to his own use?—A. He is a cattle-man, and his cattle wander all over the reservation.

Q. Are there any other white men who have any portion of No. 10?—A. Well, there is a piece of land there in litigation, which has been decided against the United States, and containing 440 acres. It is not occupied, but is lying idle.

Q. Well, No. 10 is all that is left for the Indians, and these two white men you named have a portion of that. Is that so?—A. Bowen is residing there, and keeps his stock—hogs and cattle—right in the valley.

Q. How much is left in No. 10 for the Indians?—A. I can get at it closely with a little time.

By Mr. CAMERON:

Q. Let him make a calculation. He has time enough.

By the CHAIRMAN:

Q. Well, make the calculation.—A. Do you wish me to calculate how much land there is in No. 10?

By Mr. CAMERON:

Q. Yes; and then substract from that amount what is occupied by the whites. We would like to see how much land is left for the Indians.

Q. There is very little left.

(Witness examines map.)

By the CHAIRMAN:

Q. Find out how many acres there are in No. 10, and then substract what you think is occupied by white men; then we will see what is left for the Indians.

WITNESS. No. 10 contains something over 5,000 acres.

Q. And the Indians are excluded from all the reservation except No. 10, by the actual occupatien of the land?—A. Yes, sir.

Q. And in No. 10 about how much is occupied by white people?—A. Well, about 1,200 acres.

Q. About 1,200 acres of No. 10 is occupied by white people.—A. Well, there would really be more, because the outside fencing of the sheep ranges comes right down to the hills.

Q. There would then be about 4,000 acres left for the Indians?—A. Three thousand five hundred would be a better estimate.

Q. Have you prepared a table showing the amount of land as near as you can in each of the divisions of the reservation?—A. I have.

Q. Will you make that table a part of your testimony?—A. Yes, sir; but understand me, this is only an approximation.

Q. It is as near as can be gotten without an actual survey?—A. Yes, sir; it is near as can be ascertained without an actual survey. If I could have gotten an official land office map at San Francisco, I could have been accurate.

Q. I would like to have you draw a line under the figures you have

given and sum them up, giving the total, and then get the amount of land left to the Indians?—A. I will do so.

Q. Now, you say these people have crowded the Indians into No. 10; what effect has it upon the ability of the Indians to support themselves on the reservation? Is there still land enough for their use and for tneir support?—A. It has had the effect to crowd them off of the reservation; many of them have left.

Q. What effect has it had upon them generally?—A. Well, the Government is bound to buy beef when there is ample room to raise their own.

Q. Then it has compelled the Government, instead of being able to raise enough cattle to supply them, and more too, to buy beef for the reservation.—A. That is exactly the result.

Q. Is this the case in any other respect than in connection with the supply of beef?—A. The Government could have maintained as many sheep as these settlers.

Q. The land could have been a source of revenue?—A. It has been a fortune to the present occupants. It has been a source of great revenue to the sheep men. All of them have become wealthy.

Q. Is there any reason why that wealth could not have been gathered for the reservation if the land had been used for the reservation exclusively?—A. With competent employés and care they could raise just as much as the men who are occupying it now.

Q. Has it also deprived the Indians of the opportunity of going out and scattering and locating themselves on the reservation?—A. Yes, sir; certainly. They have not been permitted to do so because of the exclusive occupation of the settlers. There was one Indian who attempted to raise sheep, but he said he could not do it.

Q. Why?—A. He said the herds got mixed, and then there was trouble. He had a place up there—a little valley which was a very fruitful spot, containing 50 or 60 acres. He occupied it for a while, and he told me not long ago that he could not do anything because the stock got mixed up.

By Mr. CAMERON:

Q. The stockmen were stronger and came out ahead?—A. Yes, sir.

By the CHAIRMAN:

Q. The agency stock and other people's stock run together?—A. Yes, sir; and if the herder is sharp he will get his share of the calves, and the Government loses the increase. The Government stock about three years ago numbered from 750 to 900 head. Now there are only 500. The Government herd grows less and the stockmen's herds increase greatly.

Q. Can you give us briefly what these stockmen who occupy the reservation from 1 to 9, inclusive—what they claim their right to be? But first let me ask you this question: Are you so well acquainted with this reservation as to be able to tell us what it would be worth annual rental—what a fair rental would be for the land in that part of the reservation represented on your map by the figures from 1 to 9, inclusive, now occupied by these stockmen?—A. Yes, sir; I am.

Q. Well, what is the accustomed rent of this country for sheep ranges? What I mean is, what could the Government rent this land out for?—A. Well, they are renting sheep and land here at different prices. Some men furnish the land and sheep and get an income of a dollar a head clear. Some men have made more favorable terms and pay six bits a head clear, and they have the expense of taking care of the sheep.

Q. You say the land owner furnishes the land and the sheep.—A. Yes, sir.

Q. If the land owner furnishes land to a man who owns sheep what rental does he get for the land?—A. I don't know of any land rented in that way; generally the land owner owns the stock. The land is worth the interest on the money invested. It is worth that and the taxes, else these men would not buy large tracts of land.

Q. It is worth that, you think?—A. Yes, sir; it is worth at least the interest on the investment and the taxes.

Q. Do you mean the interest on $1.25 an acre?—A. These lands about here are valued at five, eight, and ten dollars an acre.

Q. Well, you think the lands are not worth the interest on $5. Would that be a fair rental for these lands?—A. Well, not quite that much.

Q. Well, what do you think would be a fair rental per acre?—A. Let me see.

Q. Would you put it at four or five dollars?—A. Well, there is so much good land upon the reservation that I think I would put it at $5 an acre.

Q. You think the interest on $5 would be fair.—A. Yes, sir.

Q. At what rate?—A. The legal rate.

Q. What is the legal rate of interest in this State?—A. Seven per cent.

Q. Seven per cent. on $5 per acre?—A. Yes, sir.

Q. In summing up the number of acres in the Round Valley Indian reservation now occupied by stockmen, what total did you make?—A. I made 97,500 acres.

Q. What is the annual interest on 97,500 acres at 7 per cent., valuing the land at $5 per acre?—A. I will make the calculation.

By Mr. CAMERON:

Q. Very well, we will give you time to make it.

(Witness proceeds to calculate.)

WITNESS. I make the interest on 97,500 acres at 7 per cent., valuing the land at $5 per acre, $34,125. I will state that 10 per cent. is the usual interest paid here. The stockmen are paying from 8 to 10 per cent. on all their holdings. They also pay the taxes, so I think 7 per cent. a low estimate.

By the CHAIRMAN:

Q. You figured it out to be $34,125?—A. Yes, sir; and the stockmen ought to pay that amount for the use of the reservation land. I think, however, there would be another way to get at a fair valuation, and that is to approximate the amount of stock that is grazed on the land, and then take the rate the other stockmen are paying, and consider that the sheep make the interest.

Q. Will you now state briefly what you understand these men now occupying the reservation base their occupation upon?—A. In the first place the reservation, as originally established, did not embrace this outside land. That is prior to the passage of the act of March 3, 1873. The exterior boundaries followed the general outline of the valley land. The whole of Round Valley south of the township line between townships 22 and 23 was a part of the Indian reservation. People lived there for years under some provision of the Government, and when the act of March 3, 1873, was passed restoring this land to the public domain the Government gave actual settlers a prior right to purchase 160 acres. The same bill which restored a large portion of the reservation to the public domain extended the reservation into the hills on the north to its present limits. At that time a little of this land was surveyed, but

the greater portion of it was unsurveyed. At that time these sheepmen had put up a corral and cabin, and had established their ranges, running their cattle and sheep on the land—a few at first, but gradually increasing them until the ranges were completely stocked. Then there were very few sheep, there being more cattle. Now it is full of sheep and but few cattle can run upon it. The bill of March 3, 1873, provided for a commission to appraise the improvements on the extended reservation. That commission did so. The bill also provided that tender should be made to parties of the appraised value of their improvements. To certain parties no tender was made in accordance with the requirements of the bill, and those to whom tender was made would not accept what was offered, and they remained and went on just as if nothing had happened.

Q. Were these same parties who now occupy the land living upon it at that time?—A. The same parties who now occupy Nos. 1, 2, and 3 were there at that time. The Azbells were there. They occupy No. 4. D. T. Johnson, whose land is represented by No. 5, came in there with the permission of the last agent.

Q. You mean Agent Sheldon?—A. Yes, sir.

Q. No. 5 has come in by permission of the agent?—A. Of course, by his consent.

Q. Was No. 6 there?—A. That is Short. Yes; he was there. Rather that was occupied by Corbet then, and Short bought him out. Of course these men occupy a great deal of land on the reservation, but there is some entered land there.

Q. Some of those parties have succeeded parties who had a claim?—A. Yes, sir.

Q. Were the parties who now occupy No. 7 there at the time the reservation was extended?—A. That is occupied by Foster Bros. Yes, sir; they came there about 1873, or perhaps before.

By Mr. CAMERON:

Q. Give the numbers as you go along.—A. Nos. 8 and 9 are occupied by Bourne and Johnson, who succeeded a party who was in interest at the time of the passage of the bill.

Q. How much did the parties who had improvements upon the land when the reservation was enlarged—how much did they claim? How much were they entitled to claim?—A. Well, the commissioners made an appraisement of the improvements only.

Q. Not the value of the land?—A. Simply the improvements—the sheep corrals and the cabins.

Q. Did they have any title to the land?—A. None at all.

Q. They had made improvements on the land, and these were what were appraised?—A. Some of the improvements were appraised and some were not.

Q. Nothing except the price of the improvements was tendered?—A. No, sir.

Q. Did any of these parties who now hold the land, represented by the figures from 1 to 9, inclusive, purchase these improvements or make the improvements themselves?—A. In the case of White, he has been there from the first. He had improvements on No. 1. I will say here that there is quite a little farm on the western part of No. 1.

Q. Has the party who cultivates this farm any title to the land?—A. I guess he is a jumper or squatter. He is an interloper.

Q. Do you know his name?—A. I cannot think of his name, and what his status is I do not know.

Q. Do any of these stockmen claim to have any permission from the

Government to occupy this land?—A. They certainly have no permission from the Government.

Q. Do they claim to have any?—A. Yes, sir; they claim that by the act of March 3, 1873, they were entitled to pay for their improvements before they were required to remove. White claims that they did not appraise anything of his. The Henleys claim that they were not satisfied with the appraisement and would not take it. Uptegraff never was tendered anything.

C. He occupies No. 3?—A. Yes, sir.

Q. These men claim that they were not required by the act of Congress of March 3, 1873, to leave the reservation until they were paid for their improvements?—A. Yes, sir.

Q. And do they claim that that fact authorized them to occupy so large a portion of the reservation?—A. That is their claim.

Q. Do you know of any other basis for their claim?—A. There is none that I know, of unless there might be a school section they might have gotten hold of. There is some school land inside the hills which three years ago was State land. I do not know whether they have acquired that since or not.

Q. Their whole claim, then, is based upon the fact that they have not been paid for their improvements on 80 or 160 acres of land. Is there any stock with private brands running upon the reservation with the agency cattle?—A. There has been none recently. For the last few years the Government has had a herder. They have tried to have a sharp man. It would be hard to fasten anything of that kind. I have seen what the stockmen would call underhand work, but I cannot say that I know of anything of the kind you refer to.

Q. Is there anything else you can think of?—A. This man Johnson had a partner connected with the reservation. He was a silent partner, connected with the reservation—an employé of the reservation.

Q. But you do not know who he was?—A. I think it will be found out.

By Mr. CAMERON:

Q. Had any of these parties commenced occupying this land before it was surveyed?—A. Nearly all had begun to bring sheep into the county about that time.

Q. They had commenced to occupy it before the passage of the act of March 3, 1873. After that it was supposed to be an Indian reservation?—A. Yes, sir.

Q. What portion of it had been surveyed?—A. There had been exterior boundary lines surveyed, but the interior had not been sectionized.

Q. You do not know of any persons who filed entries on the land, do you?—A. Yes, sir; some speculators from San Francisco did so, but the patents were afterwards canceled.

Q. Do you know of any of these stockmen who hold under a title derived from the United States, through the Land Office?—A. In No. 6, in Williams' Valley there was some land that parties have a title to.

Q. How much?—A. There was something like six or seven hundred acres. Peter Dean, a capitalist of San Francisco, entered land there which Mr. Short has a title to. Mr. Grey had a homestead in Williams' Valley, but I do not know whether he perfected his title.

By Mr. CAMERON:

Q. Is there anything else you desire to say, Mr. Eberle?—A. Well, what is the range of your inquiry?

Q. We desire to ascertain who, if any one, is occupying the reservation, and under what title, if any, they occupy it.—A. I have stated to you the names of persons who are now occupying the reservation.

Q. How many Indians are connected with the Round Valley tribe, as ou understand it? We do not expect you to be exactly accurate?—.. Some years ago they claimed 1,000, but the number now on the reser-ation is much smaller. Some tribes have never lived there. The 'akies have always lived on the Henley farm, and have been employed s servants and laborers. If there is anything to come out of the Govern-ıent they take care to get their share of it.

Q. Indians also go off of the reservation to work, do they not?—A. 'es, sir; and the usual practice has been when a man wanted an Indian) work for him the Indian was furnished with a pass in order to leave ıe reservation, but that is not done now. I called your attention to ıe fact of parties living on the reservation who are not employés. There a family of Bowens who live in the valley.

Q. In No. 10?—A. Yes, sir.

Q. Are they occupying it by permission of the agent?—A. Yes, sir. owen has an interest in land the title to which was confirmed by the ıpreme Court recently. For a number of years Bowen has been cut-ıg all the hay he wanted from the valley. He has been using the ıy and living in a Government house on the reservation, and has been ıing the Government barn. There has been considerable fencing done ıtween the ranges since Mr. Sheldon has been the agent. I mean upon e dividing lines between the ranges. A great deal of substantial fenc-g has been put up by different parties, which has cost a good sum of oney, too. From the northeast corner of No. 9, following the northern ıe of No. 9, substantial brush fences were built in either 1878 or 1879. hen, following the line between Nos. 5 and 6, where it crosses Dry reek, where it enters the valley, and up the hill and following the line ıtween these ranges, there is a substantial brush fence. Probably the hole length of fencing here would be 7 miles, at least. Most of the ıprovements on this reservation have been made since the passage of ıe act of March 3,1873. They are nearly all new. There is one other ıing in connection with the reservation I will mention, and it is this: n the western edge of No. 10 there is what is known as Little Valley. here were in the valley some improvements the Government bought, ıd Sheldon permitted them to be removed and placed on land owned y a man named Thompson whom I have mentioned before, and I sup-ɔse they are there yet.

Q. Is there anybody else who knows that fact?—A. There ought to e. I saw them when they were being hauled there.

MEMORANDUM.—Exterior blue lines, boundary of Round Valley In-ian Reservation. Interior blue lines designate the boundary of the ıveral stock ranges occupied by settlers on the U. S. reservation.

			No. sheep.	No. acres.
. 1.	Occupied and grazed by	G. E. White	6,000	7,600
2.	" "	Henley Bros. and Gibson	7,000	28,000
3.	" "	Jacob Uptegraff	5,000	11,000
4.	" "	Frank Azbill	6,000	8,500
5.	" "	D. T. Johnson	5,000	12,000
6.	" "	J. G. Short	6,000	18,500
7.	" "	Foster Bros	4,000	5,500
8.	" "	Bourne and Johnson	2,500	3,200
9.	" "	Bourne and Johnson	2,500	3,200
			44,000	97,500
10.	"	in part and grazed by Indian reservation	.....	5,500
				103,000

About 1,600 head of horses, cattle, and hogs are also grazed on the reservation.

EDEN VALLEY, MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Frederick Omar Townsend.

FREDERICK OMAR TOWNSEND sworn and examined.

By the CHAIRMAN:

Question. Mr. Townsend, will you give us your full name?—Answer. Frederick Omar Townsend.

Q. This place is Eden Valley, Mendocino County, I believe?—A. Yes, sir.

Q. How long have you resided here?—A. I have only resided here with my family for about two years, but have owned this place much longer.

Q. Where did you reside before you came here?—A. I resided in Ukiah.

Q. How far is that from here?—A. About 42 miles.

Q. Were you acquainted with this neighborhood before you came here?—A. Yes, sir.

Q. How far is your present residence from Round Valley?—A. It is 16 miles to Round Valley.

Q. Are you acquainted with that reservation?—A. Yes, sir; I have been over, around, and on it frequently.

Q. Are you acquainted with the manner in which it is occupied and used?—A. Yes, sir; I think so.

Q. Will you state to this committee just how it is used, what portion is used for the Indians, and what is used by other people?—A. I think the valley lands are used for the Indians, but I do not know the number of acres.

Q. What proportion of the whole reservation is occupied for the use of the Indians?—A. About one-eighth of the whole reservation, I think, is used for the Indians; but I cannot state positively.

Q. That is your estimate?—A. Yes, sir; that is my estimate.

Q. How is the other seven-eighths occupied?—A. By individuals with stock.

Q. Is it portioned out among individuals, or is it occupied in common?—A. It is portioned off, and each has his share.

Q. Do you know the names of these individuals?—A. I know the names of some of them.

Q. Please give us the names.—A. George E. White is one.

Q. Do you know about how much land he occupies?—A. Something like 10,000 acres, I think, but I do not know positively. I know he keeps about 6,000 sheep upon the reservation land.

Q. Who else can you name?—A. The Henley Brothers occupy a portion of the reservation also.

Q. Do you know the Christian names of these Henleys?—A. Tom and Barclay Henley. Barclay does not live here, but he is one of the partners.

Q. How many acres do they occupy?—A. They must occupy, I should think, 6,000 or 7,000, or may be 10,000 acres. I can tell only from the number of sheep they run on the land.

Q. Do you know the names of any others?—A. Jacob Uptegraff is another.

Q. How much of the reservation does he occupy?—A. He has 5,000 or 6,000 sheep, and occupies about the same number of acres. Gibson is another.

Q. About how much does he occupy?—A. He has about the same number of acres that Uptegraff has.

Q. Do you think of any others?—A. Well, there is Gray. He has no sheep, but grazes cattle on the land. And there are Johnson and Bourne.

Q. These men occupy different parts of the reservation?—A. Yes, sir, and they generally keep from 4,000 to 5,000 sheep. There are also some parties who have gotten in lately, but I do not know their names.

Q. Do these men occupy seven-eighths of the reservation, to the exclusion of the Indians?—A. Yes, sir; entirely.

Q. Are the lands stocked to the extent of their capacity?—A. Yes, sir; to the full extent of their capacity.

Q. Are they stocked with sheep or cattle?—A. With sheep principally. Mr. Gray has cattle and horses.

Q. Is this seven-eighths valuable land?—A. It is, for that purpose.

Q. What is it worth per acre?—A. It is worth three, five, and six dollars an acre.

Q. You think that would be a fair rental for it?—A. Yes, sir; sheep have been rented with land that would keep them at $1 a head.

Q. If you had the land and not the sheep what would be a reasonable compensation?—A. Well, that is a matter of calculation.

Q. Your judgment is better than ours, and we would like to get your opinion?—A. Well, land that would keep 4,000 sheep, which, except in choice locations, would require 8,000 acres, would be worth at least $1,500 a year; that is, I should think so.

Q. How long have these men occupied the reservation?—A. Some of them have occupied it for twenty years. I was here in 1864. I did not live here then, but I bought stock here. This land here was owned by Judge Hastings.

Q. Do you know whether the reservation has left as much land as they can profitably use?—A. Well, they could use, of course, profitably all the land upon the reservation, but I don't know that it is the policy of the Government to go into such a business as would make the land profitable. They could occupy the land with stock. They have land enough to support all the Indians.

Q. What would be the best disposition to be made of the reservation?—A. Well, my opinion is, of course it is nothing but an opinion, I think that those Indians that are not able to take care of themselves should be selected from the rest, and a portion of the land should be selected which, under the management of a good man, would support them, and I would put those Indians upon it, and support them from the land. The balance of the land I would sell.

Q. Can you suggest any method by which it could be sold so that the Government could realize a fair compensation?—A. It could be sold at auction, in lots, and the Government could fix a minimum price for the valley land. I would fix the minimum price at $10 an acre. Some of the finest land in the State is upon the reservation. I would fix the mountain land at, say, $3. I would not allow a man to have as much as he wanted, but I would recommend that a man be allowed 640 acres.

Q. What would you do with the old and infirm Indians?—A. I would set apart 100 acres for each head of a family, so that they could have a living.

Q. Would you give them a title in fee?—A. I would hold the title for them, by all means.

Q. Would 100 acres be enough?—A. Yes, sir; 100 acres would be enough for each head of a family.

Q. Then what would you do with the single Indians?—A. I would set them loose and make them work, which they are doing now. Some of them are working on the reservation, but most of them are working for individuals. They are employed on the reservation part of the time picking hops, and everybody else employs them.

Q. Do they compare favorably with white laborers?—A. As compared with white laborers they are as good as the best whites, and besides, you can get them for less.

Q. Do they take care of their wages as well as the whites?—A. I think so.

Q. Do you think that with a little care they can be brought to lay aside their wages?—A. Yes, sir; you can teach them just as readily as you can anybody else.

Q. Are these Indians increasing or decreasing?—A. They are decreasing. They are bound under the present system to decrease. The old people will soon pass away and the young ones will be absorbed into the general population. One of the Henleys told me the other day that they had decreased half in the last ten years.

Q. What is the cause of this decrease?—A. They mix too much with the whites, and do not breed well.

Q. Are there many squaw men?—A. Not as many as there used to be. They used to be about all of them. There was nothing else. Burchard, a former agent here, made them marry the squaws they were living with, in 1876. There was a man here a week ago who is married to a squaw.

Q. After they marry the squaws do they identify themselves with the Indians?—A. No, sir; many of them are men with property; but it is a terrible thing, because their posterity is bad; two-thirds of them are criminals. The young men will come to the gallows.

Q. What claim do these men make for their occupation of this land?—A. They claim the right of occupancy by sufferance.

Q. What advantage do they have in sheep raising over their neighbors?—A. As a rule, we pay now $5 an acre for land.

Q. A man who attempts to make a sheep business would have to pay $5?—A. They pay a good deal more sometimes; these men who occupy this reservation pay no taxes, and have occupied the land for a great many years. It is a very big per cent. not to have any taxes to pay; we have had to pay the interest on the cost of the land besides taxes.

Q. Do you know anywhere in the neighborhood of what they gather, in dollars and cents, off of that land each year?—A. Well, I could not go into that.

By Mr. CAMERON:

Q. Do you know whether these men, in endeavoring to perpetuate their stay there, have acted separately or jointly; is any one recognized as the principal man among them?—A. Well, I do not like to say anything about that; I know a bill was passed by which they got their lines run.

By the CHAIRMAN:

Q. Is it not so that by the law of 1873 the boundaries were changed so that the line ran through the valley and the south side thrown open?—A. About two-thirds of the valley was sold in pieces of 320 acres. Of course the settlers there, with the use of dummies, managed to get all they wanted.

Q. We are simply after the truth in reference to the condition of things upon this reservation, and the best method of solving the ques-

tion. It is a question the United States has had its attention called to, and the Government thinks the present condition of things ought not to continue, but what is the best way to solve the question we do not know.—A. Of course I am interested in this way, and in this way alone: These people there are friends of mine, and I have no enmity towards them, and if they only paid taxes I would not say anything. As I said, they are friends of mine, but we are taxed heavily, and they ought to be made to pay, too.

Q. Has the agent been obliged to buy beef off the reservation?—A. Yes, sir; the agent has bought beef every year off the reservation.

Q. With proper management could he have raised enough beef to feed the Indians?—A. With proper management he could have fed four times as many Indians as there are upon the reservation now. There is land enough upon that reservation to raise cattle enough to feed all the Indians in the State.

Q. Do you know whether flour has been bought at Ukiah for the reservation?—A. I could not say whether flour has been sent there from Ukiah lately; but with regard to the meat business I never could understand why they bought meat, because they ought to raise more than they could consume. I sent a proposition by Congressman Luttrell offering to take care of those Indians, and give bonds binding myself to take the land as it was, and take care of the Indians at no cost to the Government.

Q. Do you know whether Mr. Luttrell made the offer for you?—A. He said he did.

Q. When did you make that offer?—A. I made that offer four years ago.

Q. Are you ready to renew that proposition now?—A. I am ready to renew that proposition at any time. Mr. Luttrell informed me that he had communicated the fact to the Government, but he said that Uptegraff was ahead of me.

Q. He was willing to do the same thing?—Yes, sir. Oh, almost anybody would do it.

Q. You would be willing to take the reservation with the five or six hundred Indians?—A. There are not that many there.

ROUND VALLEY INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Philo George Tuttle.

PHILO GEORGE TUTTLE sworn and examined.

By the CHAIRMAN:

Question. Mr. Tuttle, will you give us your full name?—Answer. Philo George Tuttle.

Q. What is your business here?—A. Stock raising and herding.

Q. How long have you been in the business?—A. I have been in the business of stock raising and herding ever since 1857 or 1858.

Q. Are you at present employed by the Government?—A. I am at present employed upon the reservation, herding for the Government.

Q. How long have you been employed in that capacity here?—A. I have been employed here a little over eight years. There was a time when I was away for about ten years. I have been here for two years now.

Q. What is your special duty?—A. Taking care of stock.

Q. Do you have occasion to visit any other parts of the reservation except that occupied and used by the Government?—A. I visit it all at certain times of the year.

Q. How large is the whole reservation?—A. I do not know the number of acres.

Q. Do you know the boundaries?—A. Yes, sir.

Q. Can you give us the boundaries?—A. Yes, sir; I think so.

Q. Suppose you give us the boundaries.—A. I could not give the distances.

Q. Well, just describe the boundaries.—A. There servation line on the northeast commences at the mouth of Williams' Creek and follows that, in rather a northwest direction until it comes to the head of the creek; then it runs until it strikes the head of Hall's Creek, which runs in a northwest direction. It follows that until it empties into the North Fork of Eel River. That river runs in a westerly direction. The line follows the North Fork of Eel River until it empties into the main Eel River, which runs in a northwesterly course. The line follows the bed of Eel River until it comes to the township line between townships 22 and 23, and it runs on that line from the western to the eastern boundary of the reservation, then up the main Eel River to the mouth of Williams' Creek.

Q. You do not know the number of acres contained in the reservation?—A. No, sir; I do not.

Q. What proportion of this reservation you have described is in the actual occupation and use of the Indian agency? How much of it?—A. I do not know that I understand your question.

Q. Is one half or one tenth in the actual use and occupation of the agency?—A. The part we occupy is in the valley. The swamp and overflowed land is not fenced, and the stock range all over the country, and I do not know whether you would say the agency or other parties had it.

Q. Do the stock mix together?—A. Yes, sir.

Q. Are there any parties who have the exclusive use of any portion of this reservation?—A. No, sir; no parties have ever forbid us going into their inclosures.

Q. What sort of fences do they make?—A. The inclosures are fenced with brush, and the rivers and creeks make natural boundaries also. Fencing is made from one creek or river to another.

Q. Are there any parties who occupy portions of the reservation exclusively?—A. Yes, sir.

Q. Who are they? Can you give us the names of these parties?—A. Mr. Uptegraff has a portion of the reservation.

Q. How much of it?—A. I do not know how much.

Q. What does he occupy it with?—A. He occupies it with sheep.

Q. How many sheep has he?—A. I think he has about 4,000 at present.

Q. These sheep depend on reservation land for food?—A. This season he moved them into a small range. They are occupying only a part of the range now. This is done to save the grass on the range for winter feed.

Q. To save the feed for whose use; for the use of the reservation?—A. No, sir.

Q. For whose use then?—A. For their own use.

Q. For their own sheep?—A. Yes, sir.

Q. Who else is there upon the reservation beside Mr. Uptegraff?—

A. Mr. Lewis and parties by the name of Hoyden; Mr. Azbell, Mr. Bourne, and Mr. Johnson, and I think Mr. Short has a part of the reservation fenced, but I am not positive about that.

By Mr. CAMERON:

Q. The Henley brothers have fenced in a part of the reservation, have they not?—A. Yes, sir.

Q. How many sheep do the Henley brothers keep?—A. They have been keeping, until a short time ago, about 3,000 sheep on one range. How many they have on their other ranges I don't know. I heard them say that they sheared 7,000 a year ago.

Q. On this reservation?—A. Yes, sir.

By the CHAIRMAN:

Q. Do they ever interfere to drive you off of the portion they use?—A. No, sir; none of them have ever interfered with me.

Q. Do they interfere with the food you want, or do you have enough for your stock?—A. The stock would do a good deal better with all the feed. The reservation feeds 20,000 sheep, and if we had the feed these 20,000 sheep get our stock would do better than they now do.

Q. Could you keep a much larger herd?—A. Yes, sir.

Q. If you had all of this reservation, how many head of cattle could you keep?—A. I could keep about 2,000 head if I had all the reservation, and over that number.

Q. How many have you now?—A. Something in the neighborhood of 500.

Q. Is that as many as you can take care of with the feed you have now?—A. Yes, sir; and we would lose some now if we should have a hard winter.

Q. Taking it from year to year, have you as many as you can provide for safely?—A. Yes, sir; as a general thing. Twelve years ago I left 1,200 cattle here; I came back two years ago this month, and I should judge there were between three and four hundred here.

Q. Have they increased since?—A. I think they have.

Q. How did they decrease from 1,200 to 400 head?—A. I don't know.

Q. Have they run down in numbers at any time since you have had them?—A. I think not, sir.

Q. You think you have as many as you can take care of?—A. Yes, sir; just about as many as we can take care of with the feed these other parties let us use. We might take care of 50 or 100 more with special care, but it would not be safe to venture. With ordinary winters we could take care of 50 or 100 more. I do not speak of hard winters.

Q. Do you produce beef to sell in market?—A. The beef we produce we kill and issue to the Indians.

Q. About how many pounds of beef do you furnish for the reservation in a year, taking the years in and out?—A. I could not tell the pounds.

By Mr. CAMERON:

Q. About how many animals do you kill in a year?—A. We kill probably 250 animals a year.

Q. Can you do that and keep the number up?—A. No, sir; we cannot.

Q. How many can you kill and still keep the number up?—A. With the beef that has been bought under contract and the beef raised on the reservation, I consider that we have increased the agency herd in the last few years.

Q. How much has been bought?—A. Fifty-five or sixty thousand pounds a year. We bought about 60,000 pounds last year.

By the CHAIRMAN:

Q. What proportion is bought?—A. About one-third, I suppose. We kill from 225 to 250 a year We bought last winter 62 or 63 head.

Q. So about one-third is bought?—A. Yes, sir.

Q. Of whom has it been bought?—A. For the last two years it has been bought of Mr. Gray and Mr. Bourne.

Q. Mr. Gray is one of the men who occupy a portion of the reservation, is he not?—A. Yes, sir; his stock range promiscuously back and forth.

Q. Did he furnish beef from stock on the reservation?—A. Yes, sir; a part of it.

Q. What portion of it?—A. Well, his cattle go and come. Some are on the reservation and some are not. His general herding is across the line.

Q. How many does he keep on the reservation?—A. I don't suppose he has over 40 or 45 that stay on the reservation all the time.

Q. Did it take that number to fill the contract?—A. It took 32 or 33 to fill the contract, and he kept about 40 on the reservation, I suppose.

Q. The other man was Mr. Bourne?—A. Yes, sir; he furnished the beef for the last year, I think.

Q. Do they furnish it together?—A. Each furnishes half.

Q. They have furnished it for the last two years?—A. Yes, sir.

Q. Who furnishes the beef for the next year?—A. Mr. Bourne, I think.

Q. How much beef does the contract call for?—A. Fifty-eight thousand pounds, I think.

Q. About how many cattle will that require?—A. It will take 50 or 60 head.

Q. Something like 1,000 pounds to the animal?—A. Yes, sir.

Q. Mr. Boume is one of the parties who occupies a portion of the reservation with stock?—A. Yes, sir; he has sheep, cattle, and horses here.

Q. How many cattle has he?—A. At the present time he has about 300 head, or 250 perhaps. It would change about 30 odd, which he sells to the agency. It took that many to fill his contract. It would take 60 to fill the next contract.

Q. Who else occupies a portion of the reservation?—A. Mr. Thompson occupies a portion of it.

Q. They have divided the reservation by fences and natural boundaries?—A. Yes, sir.

Q. Each one keeps his herd within these limits, leaving you to get what you can?—A. Our stock range promiscuously.

Q. With what you can get, have you an abundance of food for them?—A. Some years feed is plentiful, and some years it is short. This year feed is plentiful.

Q. Has the reservation stock in the mean time been running down?—A. I could not say that.

Q. Can you tell us whether it is running down in size and quality, as well as in number? Are your cattle as large and heavy as the other cattle?—A. No, sir; but there is a reason for that.

Q. What is the reason?—A. We kill our cattle much younger than they do.

Q. Why is that?—A. Because we have not held enough cattle to kill.

Q. If you had a larger range the cattle could arrive at a riper age, because you could have more of them?—A. Yes, sir.

Q. You are compelled to kill younger cattle than ought to be killed?—A. Yes, sir; we are compelled by circumstances to kill cattle too young.

Q. What are those circumstances?—A. Well, we have not enough stock.

Q. You must have a larger herd in order to keep the cattle a longer time?—A. Yes, sir.

Q. Or use less beef?—A. Yes, sir.

Q. You must regulate either your range or the stomachs of the Indians?—A. One or the other, sir.

Q. What would you recommend as a remedy for this existing state of things?—A. Well, sir, I hardly know. If the Government had control of all the reservation and we had more stock, there would be no difficulty in furnishing all the beef the Indians would consume, but under the present circumstances it would be hard to do, because the cattle don't like to run with sheep, and the sheep occupy the whole reservation with the exception of that portion inside the immediate inclosure we have in the valley.

Q. Whose sheep are they?—A. They belong to White, Hayden, Uptegraff, Azbell, the Henleys, Gibson, Johnson, Bourne, and Mr. Short.

Q. The agency has no sheep?—A. No, sir.

Q. Of this reservation, whose boundaries you have given, what part is valley land?—A. I don't remember the number of acres, and I have heard, too; but I suppose there are about 3,000 acres. There is some that is claimed by parties as swamp land.

Q. Who claimed it?—A. I think there is a Mr. Bowen who claims 440 acres; and Mr. Henley and Mr. Corbit have claims also. The whole amount of these claims would aggregate 1,000 or 1,100 acres.

Q. One thousand or more acres of what is considered valley land is now claimed by parties as swamp land?—A. Yes, sir.

Q. To which they claim to have a perfect title?—A. Yes, sir.

Q. So there is left somewhere in the neighborhood of 3,000 acres, excluding the land claimed?—A. I would not be positive about it, but I think that is about the amount of land left.

By Mr. CAMERON:

Q. How long have the parties you have named occupied the reservation? I mean in general terms.—A. Mr. White's occupation began in 1860. Henley and Gibson were then occupying land on the reservation when I came into the valley. These other parties, I think, have all come in since. These three parties I have named had sheep, cattle, and horses on the reservation at the time I speak of. Mr. Bourne, a brother to the gentleman now here, was living here, and claimed the swamp and overflowed land. A man named Eberle also lived here upon a claim. All these parties who are now upon the reservation were here when I came back to the valley, two years ago. I don't know when Mr. Johnson acme here.

By the CHAIRMAN:

Q. Are you acquainted with the grazing lands here in the valley?—A. Yes, sir.

Q. What are grazing lands worth in this vicinity? What are the

uplands worth a year for grazing purposes?—A. I don't think I could tell what they are worth. I don't know that I ever took that into consideration.

By Mr. CAMERON:

Q. Do you know the value per acre of the uplands?—A. I know that parties having claims of 160 acres here have said that they would get all the way from $4, $5, to $6 an acre for them when they got their title. Taking the whole reservation as an average, I would not like to give $3 or $4 for it.

ROUND VALLEY INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Theo F. Willsey.

THEO F. WILLSEY sworn and examined.

By the CHAIRMAN:

Question. Please give us your full name.—Answer. Theo F. Willsey.

Q. What is your present position?—A. United States Indian agent for the Indians at Round Valley Agency.

Q. How long have you been in charge here?—A. I have been in charge since the 1st of September.

Q. Since the first of the present month?—A. Yes, sir.

Q. Whom did you succeed?—A. Mr. Henry B. Sheldon.

Q. How long had he been here?—A. He had been here nearly seven years.

Q. Did you have any personal knowledge of this agency before you came here?—A. Previous to coming here I resided in this vicinity, but not on this side of the mountains. I was in the Sacramento Valley. I met some Indians there. A great many of the Indians belonging here lived there.

Q. Have you ever had charge of Indians before?—A. No, sir; I have never had charge of Indians before.

Q. In what condition do you find this agency in respect to its appointments? You have just come here, and we would like to have your opinion. Do you find it in good order?—A. The buildings are all very poor. They are old and are in a very poor condition. Nearly all the roofs leak. Nearly everybody upon the reservation, both white people and Indians, have been to me asking for better houses. They have been leaking, and are unsuitable to live in. They afford very little protection.

Q. Is there anything else out of order?—A. Well, I don't know that I could say that anything else is out of order.

Q. How many Indians are upon this reservation?—A. There are about 600 Indians here.

Q. How many white people are in your employ?—A. Well, on the regular roll there are about 7.

Q. Does Congress make an appropriation for this agency?—A. None that comes directly as an appropriation. It comes in the form of groceries, dry goods, sugar, tea, coffee, calico, socks, &c., on requisition of the agent.

Q. What has it amounted to this year?—A. I am not prepared to say.

Q. Have you familiarized yourself with the past accounts of the agency?—A. Not wholly, sir.

Q. Could you, from any account you know of here, tell us whether this reservation has cost more than it has produced; whether the Indians are an actual cost to the Government or not; if so, how much?—A. There has been no regular system of book-keeping that would show that. Of course these goods are furnished as they are called for, and that is an expense to the Government.

Q. How are the employés paid?—A. The employés are paid from the proceeds of the hops. That is, all except the agent, physician, and clerk. They are paid salaries. The other employés are paid out of the proceeds of the sale of hops.

Q. What does the reservation produce that it does not consume itself?—A. We sell nothing but hops.

Q. About how much each year does the reservation realize from the sale of hops?—A. I could hardly estimate that. It comes sometimes high and sometimes low. I suppose the crop will average this year from $4,000 to $6,000.

Q. Is the hop production capable of being enlarged?—A. Oh, yes, sir.

Q. Do the Indians cultivate land for themselves?—A. Yes, sir.

Q. How much do the Indians produce on their own private account from the reservation?—A. I can hardly state that.

Q. Is it half as much as the agency produces?—A. It is probably in that neighborhood. It may not be so much as that.

Q. Could the Indians be induced to cultivate hops to a larger extent?—A. I think so.

Q. Would that be as profitable to them as going off the reservation to work?—A. Yes, sir; perhaps more so.

Q. Do you see any obstacle in the way that would prevent the increase of hop-raising by the agency, and by the Indians on their own account?—A. None at all, sir.

Q. Do you think the Indians are capable of being encouraged in that industry?—A. Yes, sir.

Q. Would it be better to keep them around the agency than to permit them to go out as day laborers?—A. I think it would be more profitable.

Q. Would they be as likely to come ultimately to take care of themselves?—A. I think they would. Charles Munsen, one of the chiefs, has four or five acres in hops, and has twenty bales of hops this year.

Q. Is he a full-blood Indian?—A. Yes, sir; he is an Indian, and the chief of the Concows.

Q. I suppose he is above the average, or is he not?—A. Well, he may be, but I think there are plenty of others capable of doing just as well.

Q. That illustration could be increased?—A. Yes, sir.

Q. Do you care to say whether there has been any want of attention to that idea of developing the Indian into a self-supporting citizen? Do you think as much of that has been done as could be done?—A. No, sir; I do not.

Q. You have some other source of income besides hops, I suppose?—A. We make all our own flour, and grind grain for the valley people.

Q. They pay you a toll, I suppose?—A. Yes, sir.

Q. Is that in kind, or is it in money?—A. It is in money.

Q. About how much does that yield you?—A. The mill has not been used since I have been here.

Q. Do you think the mill resources could be made more useful?—A. Yes, sir.

Q. What is necessary in order to do that?—A. We need new and better machinery.

Q. Would it be a source of revenue to the Government?—A. Yes, sir.

Q. How much revenue would it yield?—A. I could not say.

Q. Then, you have a saw-mill?—A. Yes, sir.

Q. And plenty of good timber?—A. Yes, sir.

Q. Is there anything in the way of your producing all your own lumber for all the improvements that are necessary upon the reservation?—A. The only thing is the want of funds. We have to pay the Indians who work at the mill. Our only source of revenue is from the sale of hops, and from the grist-mill. But we don't get enough from the hops and grist-mill to keep the mills running all the time.

Q. If you could sell lumber, would not that increase the revenue?—A. Yes, sir; if we could sell lumber that would, of course, increase the revenue.

Q. Have you any personal knowledge of how the uplands are occupied?—A. I have been over the western part of the reservation. That part is occupied by Mr. White, who has a sheep range.

Q. How many acres do you estimate that he occupies?—A. Ten thousand acres, I should think.

Q. Has he a very fine range for his stock?—A. Yes, sir, it is capable of keeping the reservation stock in a splendid condition.

Q. That would furnish a range for how many cattle?—A. I am not prepared to say. I am not an adept in that business, but I think that if we could keep the sheep off the agency herd could be doubled.

Q. How many head of cattle could you keep on the reservation?—A. Two thousand head, I should think.

Q. If you had 2,000 head could you send any to market?—A. Yes, sir, certainly.

Q. Could this reservation with proper management, with all the land under the control of the Government, produce cattle for market?—A. Yes, sir.

Q. Instead of being a charge to the United States is it possible to manage it so that it will be a source of revenue?—A. It could very easily be made self-supporting, and more than self-supporting.

Q. How much more?—A. I am not prepared to say how much more than self-supporting it could be made. There is plenty of range to raise, as I have said, 2,000 head of cattle, and that would furnish a revenue sufficient to meet all requirements.

Q. Are the Indians here increasing or decreasing?—A. I do not know.

By Mr. CAMERON:

Q. About how many Indians are there on your roll?—A. Well, we are just having a census taken now.

Q. What tribes have you charge of?—A. The Concows, Ukies, Pitt River, Potter Valleys, Little Lakes, and Red Woods.

Q. About how many do you understand there were on the list last year?—A. The last census gave something like 600.

Q. About how many of these remain uniformly upon the reservation?—A. I guess the majority of them are here. Of course, that includes children also. I understand that the Potter Valley Indians left the reservation about five years ago. They were probably not included in the last census.

Q. Do those Indians who have left the reservation receive annuity goods?—A. No, sir.

Q. State generally what the Indians do towards supporting themselves.—A. They do all the farm work; that is, they cultivate the ground. They raise wheat, barley, and oats under the supervision of the farmer, and they also pick hops.

Q. Are they paid for their work?—A. They are paid for picking hops.

Q. How do they compare with the white laborer?—A. Of course, they have not the education and skill of the white laborer, but they are getting to do very well indeed.

Q. You may state whether the young Indians take hold of work, and seem to understand that they must do something for themselves in order to make a living.—A. I think they understand that; in fact they are almost all employed either on or off the reservation.

Q. What kind of work do they engage in off the reservation?—A. They work on farms, herd stock, shear sheep, and pick hops, the same as the ordinary farm hands.

Q. I observe that they wear citizen's clothes?—A. Oh, yes, sir; they are civilized; and a great many of them read and write, and are excellent farmers.

Q. How many of them speak the English language more or less perfectly?—A. There are very few but what you can understand very well.

Q. Are they much given to drinking whisky?—A. That is a failing all are given to, but I don't think they drink as much as some other western Indians do. There is comparatively little drinking. There are some very fine men there, indeed.

Q. Do they marry and have families, and are the family relations recognized here or not?—A. Well, partly. Quite a number have been legally married, and a great many have their old customs.

Q. Do any of the men have more than one wife?—A. There may be one or two cases where they live with more than one woman. Mr. Ray, who is taking the census, told me the other day that there were some cases of the kind; but it is not a general practice.

Q. Do they frown upon it themselves?—A. Yes, sir; I think they do as a body.

By the CHAIRMAN:

Q. Can you give us some sort of history of this reservation, what it was originally, and how it was established?—A. There is a history of the reservation contained in a correspondence between Mr. Hoyt, Commissioner of Indian Affairs, and the Secretary of the Interior. The letters are dated respectively July 23, 1878, and June 27, 1879. (Witness presented the following letters:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 23, 1878.

The Hon. SECRETARY OF THE INTERIOR:

SIR: I have the honor to inclose herewith, a letter received by this office from H. B. Sheldon, esq., United States Indian agent, at the Round Valley Agency, California, dated February 1, 1878, in relation to C. H. Eberle, C. H. Bourne, and David Thompson, who claim through the State, under the act of September 28, 1850, certain lands within the boundaries of said reservation, as "swamp and overflowed lands," and inclosing a letter from the treasurer of said State, giving a description of the lands sold to Eberle and others, together with amount paid by each; also two letters from the surveyor-general, dated October 17 and December 19, 1877, addressed to him, enclosing in that of October 17 diagrams showing the location of certain lands, to whom and when sold, and stating that the lands indicated have not been listed to the State by the Department; also stating that the SW. ¼, Sec. 14, N. ½, W. ½, SW. ¼, and E. ½ SE. ¼, Sec. 23, T. 23 N., R. 13 W., were relisted by the State in lieu of sixteenth and thirty-sixth sections, and were listed to the State in list No. 2,

Humboldt Land District June 8, 1866, and that these lands have not been sold by the State, and that of December 19, he gives the price, &c., of these lands. In order to bring more fully to the attention of the Department the rights of the Indians in California, and that the Government recognized those rights, it will be necessary to refer to some of the acts of Congress in relation to the Indian service in that State.

By act of Congress, approved September 28, 1850 (the date of the approval of the swamp act, 9 Stat., 519), the President was authorized to appoint three Indian agents for the State of California. By act of September 30, 1850 (*ibid.*, 558), an appropriation of $25,000 was made, to enable the President to hold treaties with the various Indian tribes in the State of California, and again by act of February 27, 1851 (*ibid.*, 572), an additional sum of $25,000 was appropriated for the same purpose.

By act of March 3, 1852 (10 Stat., 2 and 3), the President was authorized to appoint a superintendent of Indian affairs for the State of California.

By act of August 30, 1852 (*ibid.*, 56), an appropriation of $100,000 was made for the preservation of peace with those Indians, who have been dispossessed of their lands in California. By act of March 3, 1853 (*ibid.*, 238), the President was authorized to make five military reservations from the public domain in the State of California, or the Territories of Utah and New Mexico, bordering on said State, for Indian purposes.

Again, by act of July 31, 1854 (*ibid.*, 332), three military reservations for Indian purposes, submitted by superintendent of Indian affairs for California and approved by the President, were authorized, each to contain not less than 5,000 acres and not more than 10 000 acres, and the superintendent was authorized to apply not exceeding $25,000 in the extinguishment of conflicting titles and rights to said reserved lands, to which is added the following proviso: "The State of California shall cede the necessary jurisdiction in such cases with regard to the land so purchased."

By act of March 3, 1855 (*ibid.*, 698), an appropriation of $125,000 was made for defraying the expenses of the removal and subsistence of Indians in California to three military reservations, in accordance with the plan submitted by the superintendent of Indian affairs of that State and approved by the President, and by the same act (p. 699) two additional military reservations for Indian purposes were authorized, to be selected as heretofore, not to contain exceeding 25,000 acres each, with a proviso giving the President power to enlarge the quantity of reservations heretofore selected equal to those now provided for, making the maximum area of the five reservations equal to 125,000 acres.

Again, by act of March 3, 1857 (11 Stat., 183), an appropriation was made for defraying the expenses of the removal and subsistence of Indians of California to the reservations in that State.

By act of February 28, 1859 (*ibid.*, 400), authority was given to the Commissioner of Indian Affairs, with the consent of the Secretary of the Interior, to increase the number of reservations for Indian purposes, and the act approved July 27, 1868 (15 Stat., 221), mentions the Round Valley reservation in appropriating $5,000 for a saw and grist mill for that reservation.

A brief history of this reservation is as follows, viz:

The valley was first selected for Indian purposes in 1856 by Superintendent Henley, and by letter addressed to him by this office dated November 18, 1858, he was, by order of the Secretary of the Interior, directed to give public notice that the entire valley was set apart and reserved for Indian purposes.

In letter dated January 6, 1860, from this office to the General Land Office, after reciting the facts in regard to this reservation, it was stated that they were deemed sufficient to show that "Round Valley" had been set apart and recognized by the Department as an Indian reservation, and the Commissioner of the General Land Office was requested to respect the same upon the books of that office and to notify the local officers in California. May 3, 1860, the surveyor-general of California, acting under the instructions from General Land Office, reported a surveyof the boundaries of said reservation.

The General Land Office, in a communication dated June 21, 1860, inclosed to this office a plat of said survey, certified by the surveyor-general of California under date of May 4, 1860, which showed the reservation as surveyed at that time to be situated in Townships 22 and 23 North, of Ranges 12 and 13 West of the Mount Diablo Meridian, California, and embracing 25,030.08 acres.

The act of Congress approved April 8, 1864 (Stat. at L., vol. 3, p. 39, sec. 2), provides, "that there shall be set apart by the President, and at his discretion, not exceeding four tracts of land within the limits of said State of California, to be retained by the United States for the purpose of Indian reservations, which shall be of suitable extent for the accommodation of the Indians of said State, and shall be located as remote from white settlement as may be found practicable, having due regard to their adaptation to the purposes for which they are intended: *Provided*, That at least one of said tracts shall be located in what has been known as the northern district: *And provided further*, That if it shall be found impracticable to establish the reservations

herein contemplated, without embracing improvements made within their limits by white persons lawfully there, the Secretary of the Interior is hereby authorized and empowered to contract for the purchase of such improvements, at a price not exceeding a fair valuation thereof to be made under his direction. But no such contract shall be valid, nor any money paid thereon, until, upon a report of said contract and of said valuation to Congress, the same shall be approved, and the money appropriated by law for that purpose: *And provided further*, That said tracts to be set apart as aforesaid, may or may not, as in the discretion of the President may be deemed for the best interests of the Indians to be provided for, include any of the Indian reservations theretofore set apart in said State; and that in case any such reservation is so included, the same may be enlarged to such an extent as in the opinion of the President may be necessary in order to its complete adaptation to the purposes for which it is intended."

The facts relative to this reservation were reported by this office to the Department, April 6, 1868, and in accordance with Department letter of April 14, 1868, the superintendent was directed to report the boundaries of Round Valley reservation extended to the summits of the surrounding mountains, accompanied with a plat, in order that the same might be set apart for a reservation, and also to have a valuation made of the improvements thereon, in order that the same might be submitted to Congress for approval and appropriation for payment, which he accordingly did. (See office report of March 4, 1870.) In that report it was recommended that the President be requested to order to be set apart as an Indian reservation "Round Valley," in Mendocino County, California, as enlarged by the superintendent, and on March 30, 1870, the President directed that "Round Valley" be set apart as an Indian reservation in accordance with the recommendations of the Secretary of the Interior as delineated on the map accompanying his letter of March 30, 1870.

The act of Congress approved March 3, 1873 (Stat. at L., 17, p. 633), entitled "An act to restore a part of the Round Valley Indian Reservation in California to the public lands and for other purposes," provides "That all that portion of the Indian reservation in Round Valley, California, which lies south of the township line running east and west between townships twenty-two and twenty-three north, of ranges twelve and thirteen west of the Mount Diablo Meridian be, and the same is hereby, restored to the public lands of the United States, and the Secretary of the Interior shall cause the same to be surveyed and offered for sale in legal subdivisions at not less than one dollar and twenty-five cents per acre: *Provided*, That the improvements owned by persons on the lands hereby restored before the passage of this act shall be the sole property of such persons, who shall have priority of right to purchase not exceeding three hundred and twenty acres of land in adjacent quarter sections, containing and adjoining said improvements and all said lands shall be sold and disposed of for cash only, the same to be done through the local land office within the jurisdiction of which these lands are situated: *And provided further*, That the proceeds of the sale of the lands hereby restored, or so much thereof as may be necessary, shall be used to pay for the improvements and claims of settlers now residing within the limits of the new reservation created under this act and for improvements of Indians on lands hereby restored to the public lands after such improvements shall have been appraised and the appraisement approved, as hereinafter provided."

The second section of this act defines the southern, eastern, and western boundaries of the reservation, and authorizes and directs the Secretary of the Interior to appoint three commissioners for the purpose of examining the country in that locality with a view of establishing the northern line of this reservation.

This section also directs that these commissioners shall make an appraisement of all improvements of white persons north of the southern boundary of the reservation, as established by this section, and within the limits proposed by them for a reservation, as well as the improvements of all Indians south of said line, and the Secretary of the Interior is authorized to pay for these improvements out of the money reserved for that purpose by the first section of the act.

The third section of this act directs the President to cause to be withdrawn from sale or entry under the homestead or pre-emption laws all the land lying within the boundaries described by the second section of the act, and the northern line as fixed by the commission when approved, and requires all settlers within the limits of the reservation to remove therefrom as soon as they shall be paid for, or tendered the amount of the appraised value of their improvements.

In letter of March 29, 1873, this office recommended that the President be requested to issue his order directing that the tract of country described in section three of this act be withdrawn and reserved from sale or entry as public lands until after the report of the commission appointed to fix the northern boundary of this reservation "shall have been received and approved," and on the 8th day of April, 1873, the President issued an Executive order in accordance with the above request, which was transmitted to this office by Department letter of April 10, 1873.

On March 21, 1873, the Department designated Hon. J. P. C. Shanks, of Indiana,

Charles Marsh, of California, and Agent J. L. Burchard, a commission to make an examination and appraisement of the land and improvements, and to fix the northern boundary of this reservation, as provided by the above act.

On May 3, 1873, the Department substituted General B. R. Cowen, as one of the commission, in place of Agent Burchard.

On November 1, 1873, this commission submitted a report of the appraisement of the improvements with their recommendations as to the establishment of the northern boundary of the reservation (see Mis. Doc., Ind. Affairs, vol. 3), which was approved by Acting Secretary W. H. Smith, August 4, 1874.

In report of May 14, 1875, this office recommended that the President be requested to issue an executive order defining the boundaries of Round Valley Indian Reservation, in accordance with the act of March 3, 1873, and the report of said commission. (See Annual Report, 1873, p. 164, for description of boundaries.)

On May 19, 1875, the Department transmitted to this office Executive Order, dated May 18, 1875, proclaiming and defining the boundaries of said reservation. (See Annual Report of 1877, p. 239.)

By Executive Order of July 26, 1876 (Report 1877, p. 239), the land embraced in the military reservation known as "Camp Wright" was reserved for the use and occupancy of the Indians of this reservation. The exterior boundaries of this reservation, as it now exists, were surveyed in December, 1876, and January, 1877, and approved January 17, 1877.

By reference to the report of Commissioners Shanks, Marsh, and Cowen (Mis. Doc., Indian Affairs, vol. 3), it will be seen that the improvements of the parties referred to by Agent Sheldon were appraised as follows, viz: C. H. Eberle, $2,925; C. H. Bourne, $5,130; David Thompson, $1,940.

The records of this office show that the above-named parties have been paid in full the appraised value of their improvements, which is an acceptance of the terms of the act of 1873.

Agent Sheldon, in his letter above referred to, states that these parties, after being paid the appraised value of their improvements, now claim these lands, through the State, as "swamp and overflowed," and will not vacate them, and that they, together with others, have some 44,000 sheep grazing upon the lands of this reservation.

I inclose herewith Ex. Doc., No. 224, Forty-Second Congress, second session, being a letter from the Secretary of the Interior, dated April 1, 1872, in answer to a resolution of the House, of March 18, 1872, relative to the extension of this reservation, which gives a complete history of said reservation up to that date, in which will be found a valuation of the improvements of certain settlers made by Bvt. Maj. Gen. J. B. McIntosh, U. S. Army, superintendent of Indian affairs, California, under instructions contained in letter from this office October 18, 1869, together with the date of settlement and purchase as claimed by the settlers. Superintendent McIntosh, in his letter dated December 17, 1869, (*ibid.*), in speaking of claims to swamp and overflowed lands, states that "So far as I could ascertain, there are but three such claims in Round Valley; they are owned by C. H. Eberle, who claims 440 acres in Sec. 30, T. 23 N., R. 12 W.; C. H. Bourne, who claims 440 acres in Sec. 25, T. 23 N., R. 13, W.; David Thompson, who claims 200 acres in Sec. 35, T. 23 N., R. 13 W. In talking with these gentlemen they say that after selling their improvements to the Government they should still hold their claims to the swamp and overflowed lands from their title derived from the State. * * * In this connection I call your attention to the fact that Round Valley was surveyed for an Indian reservation in March, 1860, and it was not until July 29, 1861, that Joseph J. Cloud, the county surveyer for Mendocino County, surveyed these lands for these parties as swamp and overflowed lands. I believe the claims are a fraud and should be resisted by the Government. * * * "My own view of the case is that no one is lawfully there who entered the valley after the Government, through its proper agent, gave well-posted notices throughout the valley that they intended to hold that portion of the public domain for Indian purposes, and forbidding the citizens then and there to make any additional improvements."

To Department letter of February 10, 1876, the honorable Attorney-General replied, under date of the 11th of the same month, stating that he, that day, had instructed the United States attorney for the district of California to take such steps as are necessary to eject the parties who have illegally settled upon the Round Valley reservation in California.

On February 23, 1877, the honorable Attorney-General submitted to the Department a copy in part of a letter from the United States district attorney for California (herewith) in which it appears that on March 8, 1876, the United States attorney instituted an action of ejectment in the circuit court of California against Eberle, Bourne, Thompson, and others, settlers upon this reservation.

This is the action mentioned in Agent Sheldon's letter, which appears to be still pending.

This reservation appears to have been set apart by competent authority, and the only questions which under existing provisions of law remain to be determined are

the date at which under the various departmental and executive acts, both prior and subsequent to the act of 1864, the entrance of settlers into the valley became unlawful; whether the claims of these settlers are valid and must be respected by the Government, and whether the State of California is entitled to swamp and overflowed lands within this reservation under the act of September 28, 1850 (9 Stat., 519), entitled "An act to enable the State of Arkansas and other States to reclaim 'swamp lands' within their limits." The State of California was admitted into the Union by act of Congress approved September 9, 1850 (9 Stat., 452), on an equal footing with the original States.

The act of 1850 has been repeatedly held by the courts and by the Department to be a grant *in præsenti*, vesting an indefeasible legal title in the State to all lands at the date of its passage—"swamp and overflowed lands made unfit thereby for cultivation." (Railroad Company *vs.* Fremont County, 9 Wall., 89; Railroad Company *vs.* Smith, *ibid.*, 95; Wendell *vs.* Conkling, Secretary's decision, November 11, 1873.)

The next point to be considered is the right of these parties to settle upon this reservation.

By act of Congress of March 3, 1853, (section 6, 10 Stat., 206), it is provided "That all the public lands in the State of California, whether surveyed or unsurveyed, with the exception of sections sixteen and thirty-six, which shall be, and hereby are, granted to the State for the purchase of public schools in each township, and with the exception of lands appropriated under the authority of this act, or reserved by competent authority, * * * shall be subject to the pre-emption laws of fourth September, eighteen hundred and forty-one." * * * The last proviso of this section prohibits settlement to be made on any tract of land in the *occupation* or *possession* of any Indian tribe.

By the last paragraph of section 7 of this act, no person is allowed to make settlement or location upon any tract or parcel of land selected for a military post, or within one mile of such post, or on any other lands reserved by competent authority. There is no doubt as to the fact that this valley was occupied and in possession of the Indians even before the State was admitted to the Union, for in a letter dated September 12, 1851, (annual report 1851-'52, 236), Special Commissioner McKee speaks of some 1,100 Indians occupying the valleys of Eel River.

As before stated, under the decisions of the courts and the rulings of the Department all swamp and overflowed lands inured to the States on the passage of the swamp act.

The question, therefore, to be considered is whether the State of California has the right to dispose of lands, admitting their swampy character, reserved by competent authority for Indian purposes, the title to which vested in the State on the passage of the act of 1850.

The lands claimed as "swamp and overflowed" within this reservation have never been listed or certified to the State by the Department.

The legislature of the State of California passed an act, approved May 14, 1862 (State Stat., 1850 to 1864, p. 617), granting all lands belonging to the State and within any Indian reservation to the United States. Now, as this reservation was established by competent authority as early as November 18, 1858 (if not before that time), when by letter of that date, by order of the Secretary of the Interior, this office directed Superintendent Henley to give public notice that the entire valley was set apart and reserved for Indian purposes, and as the act of the State granting all her title to lands within any Indian reservation to the United States was subsequent to the establishment of this reservation, it is the opinion of this office that the State by that act divested herself of all title or interest whatever to all lands to which she had any claim within this reservation. It is stated by the district attorney in his letter above referred to that these parties claim title by purchase from the State prior to the act of May 14, 1862.

By reference to the diagrams inclosed in the surveyor-general's letter of October 17, 1877, addressed to Agent Sheldon (referred to in the first part of this letter), it will be seen that all the certificates of purchase issued by the State for lands within this reservation claimed under the act of 1850, and sold by her, are of a subseqnent date to the act granting these lands to the United States. Section one of the act of the State legislature, approved April 13, 1859 (*ibid.*, 109), reads as follows: "The certificates of purchase or of location of any lands in this State, issued or made in pursuance of any of the laws of the United States, or of this State, shall be deemed *prima facie* evidence of legal title in the holder of said certificate of purchase or location, or his assignees."

It is evident from this statute that the State considered the fee-simple to all lands claimed by her under any of the laws of the United States as vested in herself, and that only certificates of purchase or location would be evidence of title as against her, and as the State did not issue certificates of purchase to those parties prior to the act of May 14, 1862, the fee-simple to these lands was in the State at that time, and by that act she granted the absolute fee-simple to the United States, after which

she had no right, title, or interest thereto, and by her own act she is forever prohibited from making any disposition thereof.

Again by act of the State, approved April 18, 1859 (*ibid.*), "No certificate of purchase or location mentioned in the act to which this act is explanatory and supplemental shall affect the right, title, or possession of any party in adverse possession of any lands at the date of location."

At the dates when certificates of purchase were issued to these parties, the United States was a party in adverse possession of these lands, holding the fee-simple by grant from the State, and this act protects the rights of the Government.

Again, by act of the State legislature, approved April 27, 1863, section 19 (*ibid.*), 613), it is provided that in the event of any of the lands sold by the State proving to be within the boundaries of a grant, or otherwise not the property of the State, the holder or assignee of the certificate of purchase or patent shall be entitled to receive in exchange therefor a certificate from the register of the State land office that such amount has been paid, and this certificate is receivable as payment for its amount, either principal or interest, upon any lands of the same class which the same purchaser or assigns may afterward desire to locate, or may already have located.

These lands were not the property of the State at the time she sold them, and this statute provides the manner of redress for these parties.

I refer to these State statutes in order to show that provision has been made by the State for cases of this character. These lands were not confirmed to the State by the act of July 23, 1866, to quiet land titles in California (14 Stat., 219), for two reasons: In the first place she had prior to the passage of said act granted all her title and interest thereto to the United States, and in the second place lands reserved for Indian purposes are one of the exceptions of that statute.

It is the opinion of this office from the foregoing that this reservation was legally established before the State passed the act granting to the United States all lands to which she had any claim within all Indian reservations, and that the fee-simple to all these lands vested in the Government on the passage of that act, and that as all certificates of purchase issued by the State for lands within this reservation are of date subsequent to said act, said certificates are null and void and of no effect as against the United States.

Commissioners Shanks and Cowen in their report of November 1, 1873, last clause (annual report 1873, p. 164), in speaking of these lands say that "The State of California has sold a certain portion of the lands within the new reservation as swamp lands and the purchasers are claiming under certificates from the State land offices. These lands, however, have not been confirmed to the State by the United States Government as swamp lands, and we respectfully represent that they are not in any sense of the term swamp lands, and should not therefore be confirmed to the State as such."

Should the Department concur in the views of this office I have the honor to recommend that I be instructed and directed to take steps at once to remove these parties, and that the honorable the Secretary of War be requested to direct the proper military officer, upon request of the agent, to furnish the necessary force to effect the removal. On the other hand, should the Department decide that the State is entitled to the lands within this reservation, alleged to be "swamp and overflowed lands," I have to recommend that a hearing be ordered to determine the character of these lands, and if upon such hearing they should prove to be "swamp and overflowed lands" I further recommend that the State be allowed to select other lands in lieu thereof as indemnity.

Some steps should be taken at once to remove these parties, it being preposterous to pretend that 44,000 sheep can subsist on the lands claimed by these parties.

The following is a list of the papers submitted with the case, which please return with your decision in the premises:

A.—Letter of Agent Sheldon, with inclosures, dated February 1, 1878 (California, S., 201, 1878).

B.—Letter of Agent Sheldon dated June 13, 1878, inclosing lands claimed as "swamp and overflowed" and sheep ranges of various parties (Cal. S., 856, 1878).

C.—Ex. Doc. 224, Forty-second Congress, second session (C., 159, 1876).

D.—Diagram showing exterior boundaries of reservation as it now exists.

E.—Letter of the Attorney-General, with inclosures, dated February 23, 1877 (Cal., I, 179, 1877).

Very respectfully, &c.,

E. A. HAYT,
Commissioner.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, June 27, 1879.

SIR: Referring to office report of July 23 last, in relation to C. H. Eberle et al., claiming through the State of California certain lands under the swamp act of September 28, 1850, within the boundaries of Round Valley Indian Reservation, in which it was shown that these parties have no right to the land claimed by them, the State

of California having by legislative action of May 14, 1862, granted to the United States all interest she had to any lands within any Indian reservation, and the certificates of purchase issued by the State bearing date susequent to that act, I have the honor to modify the recommendations contained in the aforesaid report.

As it appears that a suit is pending in the United States district court for the district of California, I have the honor to recommend that a copy of said report and accompanying papers, together with a copy of this report, be transmitted to the honorable Attorney-General for such action as he may deem proper in the premises.

Very respectfully, your obedient servant,

E. A. HAYT,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

WITNESS. The Commissioner's letter gives a history of the setting apart of this reservation, and I think shows clearly that the State had no authority to certify this land as swamp and overflowed land, as the reservation was occupied prior to the time the land was certified as swamp and overflowed lands by the State.

Q. Are you able to give us the names of suits in which the question of right to these swamp and overflowed lands has been decided, so that we can find the record of the suits?—A. One suit decided the whole of it. The United States brought the action, and I think the title of the suit is "The United States *vs.* Eberle." Corbet, Bowen, and Thompson had claims also, but that decision disposed of the question.

Q. When was that question decided?—A. I do not know. It was at the last winter or spring term of the United States court, I think.

Q. I do not suppose you are sufficiently familiar with the merits of that case so as to be able to tell us upon what ground it turned?—A. No, sir.

Q. Have you a school at this agency?—A. Yes, sir; we have a day school.

Q. How many pupils are there?—A. There are fifty-two or fifty-three names on the rolls.

Q. Is it in session now?—A. Yes, sir; but we have had a vacation since the first of this month. The people are all away picking hops, and the children like to be with them. That is, we have only a half a day's schooling now.

Q. Is the day school a success?—A. Yes, sir.

Q. You have no boarding-school?—A. No, sir; that was burned some time ago.

Q. The day school is a substitute for that, I suppose?—A. There may have been a day school here too, but I don't think there was.

Q. You are not able to say which is the best, the day school or the boarding-school, from your experience?—A. No doubt it isb etter to have a school where you can keep the children away from the camps and the influences of the customs of the older Indians.

ROUND VALLEY INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Henry B. Sheldon.

HENRY B. SHELDON sworn and examined.

By the CHAIRMAN:

Question. Will you please give us your full name?—Answer. Henry B. Sheldon.

Q. You were formerly agent here?—A. Yes, sir.

Q. For how many years were you agent here?—A. I was agent here nearly seven years. I came here October 1, 1877.

Q. You succeeded whom?—A. I succeeded Mr. Burchard.

Q. How long had Mr. Burchard been here?—A. He had been here five years.

Q. Was he the first agent here?—A. Mr. Gibson preceded him.

Q. When was this reservation established?—A. It was established in 1855, I think.

Q. Mr. Gibson was not the first agent?—A. He was the first agent under what is called Grant's policy. This reservation was under the charge of the Methodist Church.

Q. Did they have charge of other Indians in this vicinity besides these?—A. They had nominal charge of River and Hoopa Valley.

Q. Where are these places?—A. River is 200 miles below San Francisco, and Hoopa Valley is 184 miles, by land, north of here; rather northeast.

Q. Did the religious society have any personal supervision of the management of affairs at the agency, or the selection of the agent?—A. They indicated what agent they wanted, and then left the management of affairs to him. There was a time, though, when there was an attempt on the part of the society to control the agent.

Q. There is what is called an Indian Commission. Has that any connection with the management of this agency?—A. No, sir; none whatever. The religious societies have a committee that looks after the agencies under their control. In our case one of the secretaries lives at New York.

Q. Who has charge of the nomination of agents?—A. It was Dr. Reed, of New York, in my case. In our conference there has been a corresponding committee who had charge of matters here. I have corresponded with Dr. Reed, of New York. This corresponding committee was appointed by the conference year by year.

Q. The boundaries of the reservation were changed in 1873, were they not?—A. Yes, sir; but that was before I came. Before that time the reservation constituted the entire valley, and ran to the summits of the surrounding hills.

Q. The valley contains about how many acres?—A. It contains about 25,000 acres.

Q. The act of 1873 excluded from the reservation a portion of the valley?—A. Yes, sir.

Q. What portion?—A. All that portion south of the boundary line between Townships 22 and 23 was excluded from the reservation.

Q. What proportion of the valley land was excluded from the reservation under the act of 1873?—A. About three-fifths or three-fourths of the valley was excluded by that act, and other land was included in the reservation by the commissioners.

Q. When you came here was the upland in the reservation in the occupation of the agency?—A. No, sir.

Q. Was it occupied as it is now?—A. The occupation was very similar.

Q. Will you describe what it is to-day?—A. It is occupied by several parties who have claims, or who have bought from those who had claims. On the south side is George E. White; then come Gibson and Henley, and Uptegraff. On the north side is Azbell, and joining him is Johnson; and next to him is Short, and joining him is Bourne.

Q. Can you estimate the number of sheep they keep on this reservation?—A. It varies considerably, but I did have at one time an estimate that was given me by the herder. It amounted to nearly 50,000 sheep.

Q. What portion of the whole upland is occupied by sheep?—A. Nearly all of it.

Q. How large a herd had the agency when you came here?—A. I think the herd was about the same as now. It may have been 30 or 40 more.

Q. At any time during your administration was the herd larger?—A. It may have changed a little. It may have been a little over 500 at one time.

Q. Was that enough to keep up the number and supply the agency with beef?—A. No, sir, it was not.

Q. Why have you not kept a larger herd?—A. We could not get the herd?

Q. What was the difficulty?—A. In the first place we had no funds with which to purchase cattle, and we were compelled to use our cattle as fast as they were large enough.

Q. Was there any other reason?—A. Well, the want of pasturage was, of course, a reason.

Q. Was there sufficient pasturage upon the reservation to feed more cattle if you had the use of all of it?—A. Yes, sir.

Q. How large a herd could you have kept if you could have had more pasturage?—A. I think that if the reservation had the use of all its land they could easily keep 5,000 head.

Q. How many head of cattle does it take to supply the Indians with beef?—A. About 350 a year.

Q. How large a herd would it take to keep up the agency herd and kill 350 head a year?—A. About 1,000 head.

Q. Then if there was a herd of 5,000 head the other 4,000 would be a source of revenue to the agency, would they not?—A. Yes, sir.

Q. What other source of revenue would there be?—A. The hop crop would be a source of revenue.

Q. About how much?—A. For the last three years we have raised from two to ten and eleven thousand dollars' worth, and one year our crop amounted to about $15,000.

Q. Is the grist-mill a source of revenue?—A. Yes, sir.

Q. How much?—A. From $800 as a minimum to $1,000 as a maximum.

Q. If it was in prime order could it produce more?—A. There could not be a great increase.

Q. Could the saw-mill be made a source of revenue?—A. Yes, sir, it could be made so by selling lumber. There is a good supply of timber, and a great demand for lumber, but there is a difficulty in the way.

Q. What is the difficulty?—A. The Treasury Department requires that all proceeds of the sale of lumber shall be turned into the general Treasury.

Q. Do they make a distinction between that and hops and the grist-mill?—A. I don't know that that has been brought into discussion. There has been a discussion as to the proceeds of the grist-mill and the farm between the Treasury Department and the Interior Department, and the Interior Department won the case, but the lumber has not been brought into consideration. Every decision heretofore has turned upon the decision of the Supreme Court in the case of the Menomonee Indians, and every attempt to obtain revenue from the sale of lumber has been met with that decision.

Q. Were the agency buildings in the same condition when you came here as they are now?—A. Well, sir, I think they were in about the same condition. Of course a good many repairs have been made, but their condition is about the same.

Q. What is their condition?—A. It is not good.

Q. Why have they not been repaired?—A. I have not had the means to repair them.

Q. You had lumber enough in the forests?—A. Yes, sir; but I could not get it cut.

Q. Why?—A. Because I had no authority to make the Indians work there. On the farm we required all the able-bodied to assist, but at the mill it was different.

Q. Did the Indians raise this point on you?—A. I don't think they did.

Q. I don't believe anybody would have invented it for them.—A. Well, I found this condition of things when I came. Mr. Burchard was paying the Indians at the mill in lumber, and they sold it and never used a piece for themselves.

Q. How do the Indians use their money?—A. Some of them use it for luxuries that the Government don't provide for them. A large majority of the working men have resided in white families in earlier days, and have acquired an appetite for such things as white men use. The first year I was here nearly 200 of them left the reservation and went to Ukiah and bought land, and have been living there ever since.

Q. How have they been doing?—A. They have taken care of themselves.

Q. Have they been on the gain or wane down there?—A. I could not say.

Q. Did they go there because they wanted to get homes?—A. Yes, sir.

Q. Why could they not get land here?—A. The Department could not give them land here because it had no control of it, except in very small quantities.

Q. The title to the land is in the United States, is it not?—A. Yes, sir; to a large portion of it.

Q. The United States has no treaty with these Indians, I believe?—A. No, sir.

Q. Have you a boarding-school here?—A. Not at present. We had one here up to July one year ago, which was in operation for about two years. That building burned down a year ago.

Q. Was there an appropriation for the erection of the building?—A. No, sir; I received about $2,000 from the Department for the restoration and repair of the buildings at Camp Wright, and I used that for the change of the buildings from there to the agency.

Q. Where is Camp Wright?—A. It is south of this township line. It is a military reservation of a mile square.

Q. You say that building burned down?—A. Yes, sir.

Q. What was the origin of the fire?—A. It was set on fire by the boys in the school.

Q. Maliciously or carelessly?—A. Maliciously. There was some difficulty between some of the boys of the school, and I think the fire resulted from that.

Q. Were they never detected?—A. They confessed it, and were kept in confinement twenty-one days, and then ordered released.

Q. By whom were they ordered released?—A. By the Acting Commissioner of Indian Affairs, Mr. Stevens.

Q. They have never been punished further than that?

A. No. sir; they are here now.

Q. On what ground was their release ordered?—A. I think Mr. Stevens said the boys were certainly not aware of the enormity of the crime, and he thought they had been confined long enough.

Q. Did you leave on record any opinion as to the matter?—A. If I did it was very modestly done.

Q. Was the Department made aware of what you thought of such discipline?—A. I expressed my opinion of it to Mr. Belt. There is an Indian office separate from the Indian Bureau, and Mr. Belt has charge of it.

Q. What are the duties of that office?—A. All communications go through that office to the Secretary. Mr. Belt was here a year ago, and after investigating that matter he turned the boys loose. I had the boys arrested again, and told him I did not consider that we were safe under the circumstances, unless they were in confinement, but they were ordered released.

Q. How are the agency hops raised? Do you employ the Indians in hop raising?—A. With the exception of one year the Indians have done all the work in the hop fields.

Q. Did you pay them for the work?—A. Yes, sir; but they generally have done the work up to the picking without pay.

Q. Describe the process of raising hops.—A. Well, sir, the first thing is done in the winter and spring, when we clear up the ground after the picking; then the poles are got in readiness, and manure is hauled and put on the ground; then, in the spring the pruning comes, and then the poling.

Q. I don't care about the agricultural method pursued, but I would like to know how you manage otherwise. You pay for the labor performed, you say?—A. Yes, sir; we sold this year sufficient roots to provide the money to pay for the pruning and poling.

Q. When you get them picked, what do you do then?—A. They are then brought to the hop-house, and there the Indians assist in curing them. There are two white persons in charge of the furnaces, who have been in charge twelve years; all the rest of the work is done by Indians. The hops are cured and put into the store-room, and, after a proper sweat and fermentation, they are baled and carried to San Francisco and sold.

Q. Do you take personal charge of the sale of the hops?—A. Yes, sir; I take charge of their sale, which is as soon as they are baled; I send them to a commission merchant in San Francisco.

Q. Who sells them for you?—A. I sell them in the market.

Q. Who has acted as your agent?—A. In the last three years Moody & Farish have acted as my agent.

Q. Before them who acted?—A. I think one year I sent them to E. Wolf & Co., and one year I *sold* them to the same firm.

Q. When does he account to you for the sale?—A. He accounts just as often as he sells, and I draw on him.

Q. Do you ever leave the money in the hands of the commission merchant?—A. I did at one time. I desired to deposit it as miscellaneous funds, but was informed that they kept only one account, so I did not deposit it.

Q. Do you send an account of it to Washington?—A. Yes, sir; an account of it goes to Washington every quarter, but the money is deposited in San Francisco with the sub-treasurer. All my expenditures and receipts, which are sworn to, are kept in a book.

Q. What was the difference between the receipts and expenditures last year?—A. I cannot tell exactly; the accounts have not been kept in that way; I keep the books according to the Government method, and the accounts have been large.

Q. Has there never been a balance sheet of profit and loss between yourself and the Government?—A. No, sir.

Q. Both you and the Government are at sea as to whether the revenue has been larger than the expenditures?—A. It has cost the Government something every year.

Q. How much?—A. When I came here it was costing the Government $10,000 for the employés and the salary of the agent.

Q. What is the salary of the agent?—A. Fifteen hundred dollars.

Q. The agent gives bonds, does he not?—A. Yes, sir.

Q. Who are your boudsmen?—A. I have given four different bonds. The first was when I was at Eureka, and Mr. Joseph Russ, Mr. Bullock, and Mr. Gates were my boudsmen. The second was after I came here, after I had been confirmed by the Senate. Then I gave four residents of the valley—W. P. Milcot, Jacob Uptegraff, Saunders Hornbroke, and William Montague. The other was a supplementary bond; I got Mr. White and Mr. Henley to go on that bond, as I did not wish to go to the expense of going out of the valley.

Q. What are the full names of Messrs. White and Henley?—A. George E. White and George Henley.

Q. Who were on the fourth bond?—A. John Cyrus and William McDonald, of Calistoga; also a gentleman of Oakland and a gentleman of Napa. I know them well, but it is sometimes hard to think of names.

Q. I observed a good many little houses about here. I suppose they are Indian homes?—A. Yes, sir.

Q. Were they erected under your management?—A. Yes, sir, mostly.

Q. Were they erected by Indians?—A. Yes, sir; by Indians under the supervision of the white carpenter.

Q. They built their own homes?—A. Yes, sir; and I furnished the lumber, nails, &c. This comes out of my receipts for hops, and I have to account for it in my books. The pay of the carpenters and the pay for cutting the lumber come out of the proceeds of the reservation. When we require brick we make them ourselves, and the nails and windows and hardware are purchased on requisition by the Government.

Q. Does the Indian select his own location?—A. Sometimes; but the plan was adopted before I came here of centralizing them for better inspection and care, and for getting at them handily for work. They have desired to separate of late, and for the future of the Indians it would be better for them to be on their own ground, and as far separated as possible.

Q. About how large a piece of land would a head of a family take care of?—A. Not a great deal, but they are all required to have their own garden. We require them to do that.

Q. Do they take care of their gardens?—A. Some of them do, and make their gardens a source of revenue; others do not.

Q. Are their homes in such order as you would like to have them?—A. No, sir; there may, however, be a few of them in good order. They are gradually providing themselves with tables, chairs, and other things; they are gaining in that line.

Q. As a whole is this agency in as good a condition as it was when you came here, in all respects?—A. Yes, sir, with the exception of the buildings; they have deteriorated by use.

Q. Is the Indian in a better condition?—A. Yes, sir.

Q. He goes off more, don't he?—A. No, sir; not as much.

Q. Do they earn as much money?—A. More, sir.

Q. In what respect have they improved here under your administration?—A. They do more work on the outside, and get a larger revenue

than they did, and more are getting a revenue from their gardens and from their hops.

Q. Is their moral condition better?—A. Their moral condition is no worse than it was when I came here.

Q. Is that all you can say?—A. I cannot say that it is much better.

Q. Have they had any religious teaching?—A. Yes, sir.

Q. In what form?—A. Missionaries sent by the church, until this last year.

Q. Has the church become discouraged?—A. I stopped the minister.

Q. Why?—A. Because he interfered with the affairs of the agency.

Q. He interfered with the material as well as the spiritual welfare of the Indians?—A. Yes, sir; it commenced in connection with the school. The children went to him with some complaint. In the first place there were petitions gotten up by an employé in the school complaining about a teacher, and he got the children to sign them. And after their names were signed to it it went into the hands of the preacher, and the Indians thought that because he was sent from the conference and appointed by the Church he could exercise some authority. He went into the school in the absence of one of the teachers and took a vote as to whether they wanted that teacher there. He did that twice. I remonstrated with him, and also referred the matter to his superior, who chided him; but still it did not cease.

Q. Did he come to you or carry on the matter independently?—A. He carried it on independently.

Q. Did he take steps to make the teacher go?—A. He reported the matter to his superior, and the matter took the shape of charges made by this superior. They could not investigate in the form of a trial, because they had no means of bringing a legal trial. The matter came up as a complaint against the agent, and an investigation took place pro and con. The charges were investigated, and the result was that the party making the investigation reported, "I find nothing in them."

Q. There was some trouble about the management of the school and you sent the teacher away?—A. I refused to allow him to continue his services upon the reservation.

Q. You have been here nearly seven years, you said?—A. Yes, sir.

Q. Does the present condition of things here, this occupation of the reservation by outside parties, meet with your approval?—A. Not at all, sir; the Indians ought to be in the exclusive occupation of the entire reservation. I have taken steps to lay the matter before the Department, and the letters in your hands are the result of the correspondence.

Q. Has the Department taken any steps to exclude these people from the reservation?—A. The only step taken was the bill to pay settlers for their improvements.

Q. Who do you mean by settlers?—A. Parties occupying or claiming a part of the reservation whose improvements have been appraised, and who have not heretofore been paid for them. A portion were paid under the act of 1873, but the remainder have not been paid. Nothing has been paid since I have been here.

Q. What other changes would you make in the administration of affairs here, if you had it under your control, besides excluding parties who now occupy a portion of the reservation?—A. I would recommend that the Indians be given land in severalty.

Q. How general an allotment do you think would be wise?—A. To almost the entire tribe. There are a few old ones who could not take care of the lands, but the others would all take care of it.

By Mr. CAMERON:

Q. What amount of land would you give to each?—A. That would depend upon what they wanted to do with it. Some would want to cultivate it, and they would want valley land. There are some spots on the ranges and in the mountains which could be used for vegetables, &c., but many of the Indians would gain their living by raising stock, and they would want a larger place than others.

By the CHAIRMAN:

Q. How would you allot it?—A. I would allot it to some for agricultural purposes.

Q. How much land would you allot?—A. From 40 to 100 acres, perhaps, for farming purposes; but for grazing purposes I would allot not less than 360 acres.

Q. Could one head of a family manage that amount of land?—A. Yes, sir.

Q. Could he have a considerable herd on 360 acres?—A. They would herd together. My idea would be to allot to tribes in contiguity.

Q. Would you give them this land in fee?—A. No, sir; I would not give them the land in feet; hat should be held in the United States for at least twenty-five years.

Q. Would you have the entire reservation allotted out?—A. Yes, sir, after a time; but I would in the mean time use the balance to provide a small farm for the sustenance of the agency.

Q. Would that exhaust the reservation?—A. That would require all the land we could control. There is some of the 102,000 or 103,000 acres that has been deeded.

Q. Have you any knowledge of the acquisition by parties of what are called swamp and overflowed lands?—A. In December and January, 1859, this land was surveyed by the United States deputy surveyor, and sectionized, and notes were filed showing the character of that land—overflowed land—to be other than swamp, and in 1861 another deputy surveyor was called upon to survey these lands, and he made a report stating that they had been wrongly reported—that they ought to have been reported as swamp and overflowed land.

Q. How many acres were there?—A. About 1,080 acres.

Q. This was in 1861, you said?—A. Yes, sir.

Q. Were these lands within the limits of the reservation?—A. Partly in and partly not.

Q. These lands were surveyed and reported as swamp and overflowed land after it was withdrawn as an Indian reservation, and the question of title hinged upon that?—A. I think so, sir.

By Mr. CAMERON:

Q. Have any of the men who occupy any portion of the reservation come in since you were appointed agent, or were they here when you came?—A. Some of them have purchased improvements from others.

Q. Under what claim do they occupy portions of the reservation?—A. From the fact of holding improvements at the time the reservation limits were extended by the act of March 3, 1873.

Q. We have been told that the Henley brothers occupy 28,000 acres?—A. That is a mistake; they do not occupy so much.

Q. Do they claim to occupy the large amount of land they do occupy upon this reservation because they had a shanty on any portion of it at the time the reservation was extended?—A. They claim to occupy a part of it on account of the former claim of a party who had placed

scrip on a large body of land, but whose title to land upon the reservation was not recognized by the Commissioner of the General Land Office.

By the CHAIRMAN:

Q. And they claim under a title that has been proved to be no title at all? Can you state the actual boundaries of the land occupied by the Henley brothers?—A. I can show on the map where the land is. [Witness produces a map and examines it.] They claim in their answer to the suit brought by the United States to disposses them land bounded on the north by land occupied by Jacob Uptegraff, on the west by Eel River, on the south by George White, on the east by Mill Creek, and sections 34, 27, part of 22, and part of 14 in township 23, range 13.

Q. When was that action brought?—A. That action was brought in the summer of 1876 in the circuit court, at San Francisco, and it was decided in 1881, in favor of the defendants. Then an appeal was made to the United States Supreme Court, and the court dismissed the appeal this last winter. The suits were brought against the swamp-land claimants, and against those parties occupying portions of the reservation who had been tendered the appraised value of their improvements, and had not vacated. They stated in their answer that their improvements had not all been appraised; and for that reason they need not accept the appraisement which had been tendered them. The court sustained them and gave them the case. It decided that they could hold their improvements until such time as all their improvements were appraised.

Q. Was it decided that they could hold the whole range?—A. The amount of land occupied by these parties was not a part of the testimony.

ROUND VALLEY INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
October 22, 1884.

Testimony of Philo Handley.

PHILO HANDLEY sworn and examined:

By the CHAIRMAN:

Question. Please give us your full name.—Answer. Philo Handley.

Q. What is your age?—A. I am forty-two years of age.

Q. Where do you reside?—A. I reside on the reservation.

Q. How long have you resided on the reservation?—A. I have resided here for nine years.

Q. What position do you now hold on the reservation?—A. I am the head farmer.

Q. How long have you held that position?—A. For nine years.

Q. Now, you may go on and state what your duties are as head farmer, and what they have been from the time you took the position. Just give a general statement.—A. I have been superintending the farming interests of the reservation.

Q. State whether or not the Indians have made any advancement as farmers since you have been connected with the reservation.—A. I think they have.

Q. About how many of the Indians are engaged in agricultural work? What proportion of the male Indians?—A. Nearly all of them; nearly all the heads of families.

Q. How do they rank as laborers as compared with the whites?—A. Some of them are good laborers and some are not, but I think they will average very well with the floating white population.

Q. What agricultural products are raised upon the reservation?—A. All the cereals, wheat, barley, and oats, and nearly all kinds of vegetables.

Q. Can you state as near as you can the amount of wheat, oats, and barley raised during the last year, or the present year?—A. Well we have not measured our this year's crop yet; we have just finished threshing. It will be about 16,000 bushels, including the three grains—wheat, barley, and oats.

Q. How much hops did you raise last year?—A. We raised about 28,000 pounds of reservation hops, aside from the hops raised by Indians.

Q. What quantity of hops did the Indians raise for themselves last year?—A. Well, 7,500 or 8,000 pounds.

Q. You may state whether, in your opinion, if the Indians had the use of the entire reservation it could be made to sustain them without any expense to the Government?—A. Yes, sir; I think that if they had what they needed it could be made to support them.

Q. You mean if they had what they needed to work with?—A. Yes, sir; what land they needed, and the stock and implements to work it with. There may be such a thing as to have more land than they require, and be land poor.

Q. Do the Indians, so far as you know, generally desire that the land should be allotted to them so that each could say he owned a piece of land himself?—A. Yes, sir; that is the general desire.

Q. What amount of this valley land, in your opinion, ought to be allotted to each head of a family?—A. Well from 10 to 20 acres, in my opinion.

Q. You think 20 acres as large an amount as an Indian would profitably cultivate?—A. Yes, sir; that is, valley land.

Q. Do you know how many heads of families there are now upon the reservation?—A. I could not tell without examining the vouchers and obtaining the names, but there are between two hundred and two hundred and twenty-five, but I should say there were not that many capable of cultivating a farm.

Q. Well, about how many are there who are capable of superintending and cultivating a farm of from 10 to 20 acres?—A. I do not think the number would exceed one hundred and twenty, and most of these have other Indians depending upon them.

Q. How many of the one hundred and twenty are heads of families who have other Indians depending upon them?—A. A large number have other Indians depending upon them to some extent, but I think it is doubtful if there are that many able-bodied heads of families.

Q. How many would that leave unprovided for?—A. None, I think. All are put down as heads of families, but in a great many instances they live together. They are classified in that way because they are liable to have families.

Q. What proportion of these who are classed as heads of families would prefer to engage in herding rather than in agriculture?—A. Well, sir, I don't think any would prefer it. All would prefer a piece of valley land for farming to a piece of grazing land in the hills. That is my opinion.

Q. Of course, I am simply asking your opinion.—A. I judge that from a conversation a week since with one of the herders, who said he wanted

a piece of valley land; and he had been raised with the stock. He told me he would rather have a piece of valley land and have a farm.

Q. When you put these people on their allotments of 10 or 20 acres would you have to give them instructions, and look after them, or are they now sufficiently instructed?—A. They ought to have somebody to help them for about a year.

Q. Could you and your assistant give them all the personal supervision and instruction that would be necessary?—A. I think so, if the United States would supply them with enough means to put up fences, and supply stock and implements.

Q. The main thing I would like to know is, are these Indians so far advanced as to know how to do the thing which you call farming?—A. They are as ready now as they ever will be.

Q. That don't quite answer the question?

Mr. CAMERON: He has stated that many of them are good workers.

By the CHAIRMAN:

Q. If you had these Indians on this reservation on your hands, and were required to take care of them, what would you do?—A. To express my views might place me in a bad light with the agent. It might conflict with the opinions of the agent.

Mr. CAMERON. It doesn't matter whether it does or not. We don't propose to set you up against him, but your experience with the Indians is valuable.

The CHAIRMAN. We would like to have your opinion. You have been on the reservation nine years and ought to know more about it than we do?—A. You will allow me to use two or three *ifs*.

Q. Yes.—A. I think if the Government would buy this swamp land, if that can be done—I would be in favor of throwing the hill land, at least a large part of it, into the market, thus condensing the reservation and placing it under the control of the agent and the Indians. There is also a body of deeded land in the heart of this reservation which would have to be bought; but if that could not be done, I would locate the Indians upon the swamp land, and, selling the range land, I would locate the Indians on as much land as they needed, and lay it off in regular order, and issue teams to them and tell them to go to work. After a year's time I would tell them they must make themselves self-supporting, because they would receive nothing more. I would retain the hop or middle field for the reservation purposes, and every Indian who worked a day on that part of the reservation I would pay for his work; I would require them to raise hogs. They are opposed to eating the same meat the white people eat, especially pork, but should be made to do it. They don't like hog meat, and use it mostly for grease; that is the reason there is such a draught on the cattle.

Q. Have they enough land in the valley for all necessary purposes?—A. They have valley land enough left for all the uses the Indians could put it to, but this swamp land is right in the valley here and ought to be bought for them. The military reservation is very poor and is only fit for grazing.

Q. What is the quality of the swamp land?—A. Excellent.

Q. How does the land here compare with other lands in this section of country?—A. It compares very favorably. The Indians have as fine a body of land as any in the United States.

Q. What is the character of what you call swamp land?—A. A portion of it is very good; some of it is the driest land on the reservation. To show that I am honest in this matter, I would undertake to give

bonds of any reasonable amount, say $100,000, and ask nothing but a salary, and if I did not make this reservation self-supporting I would take no salary. Of course I don't mean to cast any reflection upon the agent. Of course that would do away with my position; but I am asked my honest conviction. Of course the Government ought to support the school. It ought to make an annual appropriation sufficient to run the school and to pay the agent's salary, but I believe the balance could be paid by a miscellaneous sum.

Q. Do the Indians own any stock?—A. Yes, sir; they own a little stock, a few horses and hogs.

Q. What do they do with their hogs?—A. They sell them.

Q. Do they own any cattle?—A. No, sir; they are not calculated to take care of stock.

Q. We have been told that many are employed as herders.—A. I mean as herders; it has been tried and has proven a failure.

Q. Why?—A. They don't seem to take the right interest in the stock.

Q. They take pretty good care of ponies, don't they?—A. No, sir; they do not.

Q. Cannot they be brought to it?—A. In issuing stock to them, if I had my way, I would appoint a committee of Indians in each tribe to take charge of the herds, and would hold them responsible; I do not see any other way.

Q. You think you could select a band you could have such a hold upon as to bring about good order?—A. I would not enter upon bonds unless the Government would give me authority to enforce discipline. There is nothing like discipline; and I think if an Indian commits a crime he should be punished like a white person.

Q. Are they so far advanced in civilization as that to make them liable to punishment would not be inhuman?—A. I think so.

Q. Do they understand the law?—A. Yes, sir; I think so.

Q. Do they break the law oftener than the whites?—A. No, sir.

Q. Do they understand the English language so as to be able to understand the proceedings of a court?—A. Very well.

ROUND VALLEY, INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Saunders Hornbroke.

SAUNDERS HORNBROKE sworn and examined.

By the CHAIRMAN:

Q. Give us your full name, please.—A. My name is Saunders Hornbroke.

Q. Where do you reside?—A. I reside in this valley.

Q. How long have you resided here?—A. I came here in 1853.

Q. What is your occupation?—A. I am a farmer.

Q. How much of a farm have you?—A. About 180 acres.

Q. When did you acquire that; when did you settle on it?—A. In 1859. I settled then on the place I am living on now.

Q. What is the character of the soil in this valley?—A. It is generally good.

Q. What products are raised in the valley?—A. Mainly barley, wheat, oats, and corn; in fact anything a man wants to plant—potatoes, beans, pumpkins,, and all other vegetables.

Q. State whether or not the reservation was established before you came here.—A. I think, sir, Noome Lacke was the reservation then.

Q. Where is that situated?—A. Right across the mountain.

Q. How many Indians were in this valley when you came here?—A. There must have been 3,000 Indians here—may be more.

Q. When was the reservation established here?—A. About 1856 a kind of agent was sent here to establish a farm, and the Indians were collected on it—June, I think. It is pretty hard to tell exactly when the reservation *was* established here. We have so many different notions about it. I think it was converted into a reservation by the McIntosh survey. I don't recollect the time exactly.

Q. Do you know the extent of the reservation at this time?—A. No, sir; I don't believe I can come anywhere near it. It is pretty big, though.

Q. How is the reservation outside of the valley occupied, as you understand it?—A. Well, Gibson and Henley have one sheep range on it, Azbell has another, Uptegraff has another, and Johnson has sheep on it, and Mr. Short has a good deal of deeded lands on it, probably three or four hundred acres.

Q. When did these men first commence occupying any portion of the reservation?—A. Williams' Valley, where Short lives, must have been settled in 1859 or 1860. The land has changed from one party to another, and it is hard to tell when it was first settled. I don't know when the Azbell and Gibson land was settled, but I know these lands have been occupied a good while.

Q. How are they occupied?—A. With sheep ranges.

Q. Have you been familiar with the condition of the Indians since the reservation was established here?—A. Yes, sir; I have been on and off the reservation many times, and am well acquainted with all the people on it.

Q. State generally whether or not the condition of these Indians has improved of late years.—A. There has been a general improvement all the time. All of them were blanket Indians when I first knew them, and the first crop they made they worked with butcher knives, and dug it out with sticks. Now all dress in citizen's clothing, and some dress pretty well. I see some of them wearing gloves.

Q. Do they speak the English language?—A. Yes, sir.

Q. We are told that many of the younger Indians can read and write; is that a fact?—A. I guess many of them can; but they were no better than brutes when they first came here. They lived by hunting and fishing, and digging roots, and when you killed a beef there was a perfect scramble for it. Now they want the best pieces of it only. They are pretty high toned.

Q. Are they good workers?—A. Lots of them are good workers.

Q. Do you employ them?—A. I have not employed them much lately.

Q. Why?—A. Because they ask more than a white man.

Q. They command in the market as good wages as the white men?—A. Yes, sir; and the last year, I think, they have wanted more. At least I can hire white men cheaper.

Q. Are they good hop pickers?—A. Yes, sir. Some one said they were better than the Chinamen. I never saw a Chinaman picking, but they are better than the white people who pick hops.

Q. If a small portion of the valley were allotted to each head of a family, do you or do you not think they would cultivate it, and ultimately

become self-supporting?—A. I think that most of them would. A great many of them now raise beans, potatoes, and such truck to sell; but I think they would require a white man to look after them for a time, some of them for a longer time than others, but a great many of them are pretty smart.

Q. By proper management, these Indians, you think, could be made self-supporting and cease to be a charge upon the Government?—A. Undoubtedly. I don't think they need be more than a year in coming to that.

By Mr. CAMERON:

Q. What care do they take of their earnings? Do they expend their earnings extravagantly?—A. Most of them spend their wages extravagantly, I think, and there is where they want a white man to look after them.

Q. Are they much addicted to the drinking of spirituous liquor?—A. Well, they are about like the average white laboring people.

By the CHAIRMAN:

Q. About their morals among the women and men, are they worse than the white people?

A. I think they are improving in that respect every year. When they first came here they were just like brutes.

Q. Was the contact with soldiers bad for them?—A. It was worse for the Indians than for the soldiers; but after a while it got pretty bad for the soldiers.

Q. In that respect they are improving?—A. Yes, sir.

Q. Do they have more than one wife?—A. I don't know. I don't think they have gotten into the Mormon business yet. Some of the captains used to claim two or three wives, I think.

Q. Do they take good care of their children?—A. I think so.

Q. Can you account for the reason that they don't multiply as fast as they used to?—A. No, sir.

Q. It is a fact, is it not?—A. I think that in the last two or three years more young ones have been raised than usual.

Q. Is there any other matter you think of?—A. I don't know of any other just now, because I don't know what you want.

Q. We want all the knowledge we can get.

Mr. CAMERON. The Government wants them to become self-supporting, so that it will not be put to any expense.

A. I am like Mr. Handy, I think they ought to have this swamp land, and I don't think they need half the range land. I would keep a portion of the range and sell the balance.

By the CHAIRMAN:

Q. How much of the range would you sell?—A. About two-thirds of it. Yes, all of that.

Q. And what would you do with the valley land?—A. I would pursue the system recommended by Mr. Handy.

Q. Would that ultimately result in these Indians being a self-supporting portion of this community?—A. Yes, sir; without any trouble, and in a very short time.

Q. How long a time would it require?—A. They could support themselves after the first year, but I should have some one to look after them for even a longer time than one year. They want a man to go to for advice, and he wants to tell them to take care of themselves, and what to

do, and that is all. They are pretty smart, and after having been told once they would be able to understand. It would be a good thing to have a man ride around among the farms and see that no whites impose on them, and have him show them what to do. You cannot expect one of your children to do anything without coming to you for advice, and if they have confidence in a man they will go to him for advice.

By Mr. CAMERON:

Q. We have been told that some of these parties who occupy portions of the range have from time to time endeavored to secure the influence of the agent by paying him money, particularly agent Burchard. Do you know anything about that?—A. I know that Mr. Bransford here tried to give Mr. Burchard money, but he would not accept it. Mr. Bransford told me this himself. He is dead now.

Q. Who was he?—A. He kept a store here.

Q. Did you understand that he was acting for the men who occupy the range?—A. He told me so. He came here one day with $1,000, and he told me he wanted to get Burchard to take it—Mr. Burchard can tell you this himself.

Q. Where is he?—A. He is in Ukiah.

By the CHAIRMAN:

Q. For what purpose was he going to give Mr. Burchard this money?—A. He wanted him to let these men alone who were on the range.

Q. How came he to be doing that?—A. He said he could make so much by doing it.

By Mr. CAMERON:

Q. He did it as a business matter?—A. Yes, sir; that is all. You will see him in Ukiah and he can tell you the whole concern. He is the minister at Ukiah. He has not settled his bonds up yet since he was here.

ROUND VALLEY INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Lemuel D. Montague.

LEMUEL D. MONTAGUE sworn and examined.

By the CHAIRMAN:

Question. What is your full name?—Answer. Lemuel D. Montague.

Q. How long have you been here?—A. Twenty-four years this fall.

Q. That carries you back to a time before this was an Indian reservation, does it not?—A. Well, no, sir. It was considered a reservation farm when I came here; that is, the valley was.

Q. What have you known of the reservation since you came here?—A. It has been reduced since I came here. All south of the township line this side of Covelo was settled upon as the reservation, and the northern line was extended up into the mountain further.

Q. How much of it is valley land?—A. About 5,000 acres, I have always understood.

Q. And the rest is mountain or grazing land?—A. Yes, sir.

Q. Has the reservation a good wide range for its cattle?—A. Well, it would have a plenty if it were not occupied by other stock.

Q. By whom is it occupied?—A. Well, there are Henley and Gibson, who have a sheep range.

Q. Enough to maintain how many sheep?—A. Well, I believe about 3,000; of course I can't tell exactly; it is hard to tell.

Q. Who else?—A. Mr. George E. White claims a range, and sheep and cattle are running on it. Uptegraff has a large range, and he has from six to seven thousand sheep. That is, the capacity of the range is about 6,000. He has now about 4,000 on the reservation. Then there is Azbell who also has a range, and a man by the name of Johnson. He has a silent partner. They have about 2,000 sheep. And Gray, above here, has cattle running on the reservation everywhere. His cattle run on and off the reservation. They are more there than anywhere else. Short also has a great portion of his range in there. He has about 2,000 acres of entered land, and he took in a portion of the reservation.

Q. What portion of it is occupied by other people than Indians?—A. All the mountain land.

Q. What portion of the whole?—A. The greater portion.

Q. Is it seven-eighths?—A. Yes, sir; all of seven-eighths.

Q. This is occupied by private parties?—A. Yes, sir.

Q. Is it occupied to its full capacity?—A. Yes, sir; I think so.

Q. Does the occupation of seven-eighths of the grazing land upon this reservation interfere with the interests of the agency?—A. Yes, sir; I think so.

Q. In what way does it interfere?—A. The agency stock need the grass which the other stock feed upon.

Q. Are they unable, in consequence, to support enough stock for their own use?—A. Yes, sir; that is my opinion.

Q. If the agency had the entire control of the reservation how many cattle do you think they could support?—A. It would be hard to tell, but a great deal more than they need.

Q. Three times as many?—A. I think so; but it is hard to make an estimate.

Q. Are you acquainted with these Indians?—A. Yes, sir.

Q. Have you come in contact with them frequently?—A. Yes, sir.

Q. Do you think there is any need of this reservation being a charge on the Government?—A. Not if properly managed.

Q. Could it more than support itself if properly managed?—A. Yes, sir; I think so.

Q. Have these Indians improved since you have been here?—A. Yes, sir, and greatly.

Q. What portion of them, if they had good land set apart for them, would be able to take care of themselves?—A. Probably nearly all, if divided into families and so many acres given to each family. Of course there are some old Indians who are not able to take care of themselves, but the younger ones eventually would, if the land were properly managed, take care of themselves. They would be able to do so in three or four years. They support themselves a good deal now. If it was not for the work they do, it is said they would fare pretty roughly now.

Q. Do these parties who occupy the reservation pay anything to the Government?—A. Nothing at all.

Testimony of Henry B. Sheldon.

Mr. HENRY B. SHELDON recalled.

By the CHAIRMAN:

Question. During your official life here have any of these private parties occupying grazing land upon the reservation ever paid any rent?—Answer. Yes, sir.

Q. How much?—A. I think it was for four years. I received $25 from one of them. It was for the range now occupied by Mr. Short.

Q. Have any of the rest paid any?—A. No, sir.

Q. Have they been asked for any?—A. No, sir.

Q. Do you know of their having paid Mr. Burchard anything?—A. Nothing but this one case of $25.

Q. Would the books of the agency show it, if anything had been paid?—A. There is nothing on the books except that $25.

Q. How many years did the party pay?—A. Either four or five.

ROUND VALLEY INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of C. B. Bateman.

Dr. C. B. BATEMAN sworn and examined.

By the CHAIRMAN:

Question. Give us your full name.—Answer. Dr. C. B. Bateman.

Q. Are you a resident of this valley?—A. Yes, sir.

Q. How long have you resided here?—A. Ten years last November.

Q. In what capacity have you resided here?—A. I was two years the physician on this reservation; since then I have been engaged in private practice.

Q. What two years were you the reservation physician?—A. Eighteen hundred and seventy-three and 1874, I believe. I came the 1st of November, 1873.

Q. That was soon after the limits of the reservation were changed?—A. Yes, sir; soon after. The commission came out here the year before, I believe.

Q. And they fixed the present limits?—A. I understood so; I heard it talked about.

Q. Since you left the position of physician on the reservation have you come in contact with the Indians frequently?—A. Yes, sir.

Q. Professionally?—A. Yes, sir; many times.

Q. What is their present condition compared with what it was when you came here in 1873; are they physically as well?—A. Far better, I think.

Q. Did you find them, when you came, subject to bad diseases?—A. Yes, sir; I found that a large proportion of them were affected with venereal diseases, but I think it has been on the decrease since. At the close of my two years they were in a better sanitary condition than before. The births exceeded the deaths those two years.

Q. Do you know their present condition?—A. Yes, sir.

Q. Do the births exceed the deaths now?—A. No, sir.

Q. Do they consult you now?—A. Frequently.

Q. Have they a physician now?—A. Yes, sir.

Q. Is he here now?—A. Yes, sir.

Q. Has he been here any length of time?—A. Dr. Rawlins has only been here a short time.

Q. Do you think, taking the whole range of the ten years you have been here, the prospect is favorably or otherwise as to their future?—A. I think it is favorable.

Q. Do you look forward to a time when they can take care of themselves?—A. I do.

Q. What changes in the present method would you suggest in order to hasten that end?—A. I view favorably their expressed wishes, made to me very often, of having some land in severalty. They wish homes of their own.

Q. Would this be to their interest?—A. Yes, sir.

Q. Some have gone off of the reservation, have they not?—A. Yes, sir.

Q. Do you know what induced them to go off?—A. I think I do. The largest tribe here formerly was the Potter Valley tribe. They went off and purchased land near Ukiah, because they wanted land and homes they could call their own and they said the Government did not meet their desires in that respect upon the reservation.

Q. Would they have preferred to stay if they could have done the same here?—A. If the Government had met their desires they would have gathered in more and more in place of going away. They always expressed that to me when on the reservation. It was always a cherished idea with them to have homes of their own. The agent would mention the matter prospectively, but it was not mentioned to the authorities at Washington, and then some of them took the matter into their own hands and left.

Q. Tell us whether you think on the whole it would not be as well to scatter them around—a few located in one place and a few in another place, rather than have them gathered together in one place?—A. It would be better for them to be put under the law the same as white people.

Q. Would they soon be absorbed into the general public by being scattered?—A. For better care I do not know but what it might be better to keep them to themselves for a while yet—in a community to themselves; but otherwise it would be better to have them scattered around.

Q. Take those few Indians down at Ukiah, is it not probable that they will become a part of that community quicker than if there were 2,000 of them?—A. I think so.

Q. If the Government had kept this entire valley would it have supported all of these Indians?—A. It would have supported all the Indians in California, and more than supported them.

Q. Suppose they had all been gathered here, would it not have taken them much longer to assimilate to the California civilization than if scattered about?—A. That would have been what the Indians in the State preferred above all things, and would have stimulated their industry and energies more than anything else, I believe; but when this valley was first surveyed the proposition was distinctly made to the Government, and the Indian agent reported that here was the place where every Indian in California could be supported for all time, and I thought the Government made a mistake by not locating all of them here. I have been of that opinion. Some twelve years ago the idea was to give them lands and homes to themselves, but we never know exactly what the Government policy is from year to year, so they keep shifting, and the poor Indian is kept shifting around, too.

ROUND VALLEY INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Ira C. Hoxie.

IRA C. HOXIE sworn and examined.

By the CHAIRMAN:

Question. What is your full name?—Answer. Ira C. Hoxie.

Q. How long have you been here?—A. I have been here since 1856. First, I went away and came back in 1857, and have been here since that time, excepting the year 1876.

Q. Have you had anything to do with the reservation?—A. I was employed on the Home Locke Reservation twenty-nine years ago, when this reservation was first started.

Q. Were you here when the reservation constituted the whole valley?—A. Well, let me see; I would have to start at the commencement.

Q. Well, go on; tell the story in your own way.—A. In 1855 Strong was agent on the Noome Lacke Reservation, and there were some Indians in here; they could not get on the reservation, and they started this place under the name of Noome Cult. farm, and the stock was branded "N. C." There was more land here than they wanted for a farm, and they invited settlers to come here; and then, in a few years after that, a proposition was made to Congress to take the whole valley. And the property of the settlers was surveyed and appraised with the calculation that Congress would buy them out and appropriate the whole valley for a reservation. Well, they finally ran a fence through the valley, half a mile this side of the present township line, and this was the reservation until—I don't remember exactly when—but, anyhow, afterwards the line was run to the township line; and then the Shanks party came and took the range in the mountains, with the understanding that the Government was to buy the settlers off, and it has stood that way since. They have not been bought off, and rich men have ranges on the reservation; and they have somewhere in the neighborhood of 25,000 head of sheep on the reservation.

Q. Has the agency any cattle?—A. Yes, sir; a small herd.

Q. Is there enough grass on the reservation for the Government herd and for these sheep belonging to other parties?—A. The Government stock ranges just as much outside as on the reservation. There is a plenty of grass everywhere.

Q. How long were Mr. Shanks and his associates here locating the reservation?—A. Two or three days, I understand. I was not with them. I understood they rode up on the hill and some one told them where the range was, and they laid out certain boundaries. I don't think they were here long enough to do anything properly.

Q. Who directed them?—A. I don't know. I paid very little attention to it; but I think they were here two or three days. They might have been here longer or not quite so long.

Q. Do you think the agency has all the grazing land it needs?—A. The Government has had no more grazing land since the lines were run off than it had before,

Q. Have the same number of sheep been on it all the time?—A. Yes, sir; and the agent has protected these men who occupy the ranges from other intruders, by stating that the land was going to be made a reservation, and he would not allow anybody to settle these lands. Two

parties have settled on Mr. White's range, and Mr. White has tried to get them off and the agent has sent them word to move off.

Q. The agent told these parties the Government would not allow them to settle upon these men's ranges?—A. Yes, sir; because the land had been surveyed for a reservation. He does all he can to keep anybody else from settling.

By Mr. CAMERON:

Q. He does not want any more intruders?—A. No, sir.

Q. Do these men who occupy the ranges pay any taxes?—A. I don't think they pay taxes; I never heard of any taxes being paid.

Q. Are you engaged in stock raising?—A. Not at present.

Q. What would be a fair rental for these uplands for grazing purposes?—A. I could not tell, sir.

Q. I suppose the men who have these ranges would not do without them for a great deal of money?—A. They have splendid ranges.

By the CHAIRMAN:

Q. Would they not give more for them than anybody else?—A. I don't know that.

Q. Were you one of the men who had improvements on this land when Mr. Shanks came here?—A. I had just sold mine. I had a range about 12 miles from here.

Q. To whom did you sell it?—A. I sold it to Jacob Uptegraff.

Q. Describe what you had.—A. The improvements did not amount to much; two or three corrals and three or four cabins.

Q. Was that land open to settlers?—A. It was open to settlers, but had not been surveyed.

Q. So you could not file your location?—A. I had gone there so as to be there when it was opened.

Q. How much stock had you when you sold to Uptegraff?—A. Two thousand five hundred sheep; my partner and I had that many at the time we sold.

Q. When did you move there?—A. I moved there in 1866.

Q. When did you sell?—A. I sold in 1870. I was there about four years.

Q. Have you any objection to saying what he gave you for your improvements?—A. I got $5,000 for the sheep and the range—my claim on the range and about 2,500 head of sheep.

Q. That is the foundation for Mr. Uptegraff's claim?—A. Yes, sir.

Q. What were the improvements you had made?—A. There were four or five little cabins and about three small sheep corrals on different parts of the range, and I had a garden fenced in.

Q. How large a garden?—A. About an acre.

Q. How much were all these improvements worth, aside from your claim on the land?—A. In those days it would cost about $50 to put up such a cabin as ours.

Q. The cabins cost about $50 apiece?—A. Yes, sir.

Q. Then there were some other improvements?—A. Yes, sir; there were the corrals. I suppose they would cost about $100 apiece.

Q. How many were there?—A. There were three, I think.

Q. That would be $300 for the corrals and $250 for the cabins. How much did the garden fence cost?—A. About $100; nearly as much as a corral.

Q. That would be $650. That would cover the actual improvements, would it?—A. Yes, sir.

Q. Has Mr. Uptegraff put any new improvements on the land?—A. Oh, yes, sir; he has extended the range and put a great many improvements on.

By Mr. CAMERON:

Q. What extent of country did you claim there?—A. It was bounded by rivers and cañons, and I suppose it was 4 miles one way and about 2 the other. That was the land I claimed and that I sold improvements on.

Q. Does Mr. Uptegraff's claim embrace more than that?—A. I think not, sir. It is just the same.

Q. Is there anything else you can suggest to us?—A. No, sir.

By the CHAIRMAN:

Q. Have you any suggestions as to what ought to be done with these Indians?—A. Well, I was in this country when the Noome Lacke Indians were uncivilized, and I have watched the progress of civilization among them, and I think their progress is a criterion to go by.

Q. How have they done?—A. They have done first rate, and have had no assistance. You can't persuade any of them to go on the reservation. They have plenty to eat, and are making their own living, and seem to be satisfied, and very peaceable.

Q. Where is the place you named?—A. It is just on the edge of the Sacramento Valley, 60 miles from here. At the time I was there there was a large tribe of them.

Q. Have they gotten hold of the land permanently or not?—A. I did hear that they had pre-empted or bought the land.

Q. What is the quality of the land?—A. It is poor; but together with that and their chickens and hogs they make a good living.

Q. Are they fair members of the community?—A. They seem to be friendly with their white neighbors, and no complaints are made.

Q. Are they any worse among the whisky barrels than the whites?—A. Not a bit.

Q. Are these Indians contented here upon the reservation?—A. It is my opinion that the Indians were forced to live here for a number of years. They objected to living here, and would run off and go away, and the soldiers would bring them back. Otherwise there would not be as many here now as there are.

Q. What would you do with them if you had your own way?—A. That is difficult to answer. It looks to me as if these Indians ought to be self-sustaining. There was very little difference between these Indians and those over the mountain, at one time. In fact some of these were more civilized than the others.

Q. How would you manage things if you had control of them?—A. Well, I think the best thing for the Government and for the Indians, too, would be to give those who want land to cultivate a portion of this land, if they desire to stay here, and let those who want to go some where else to make a living let them go.

Q. Suppose those who went away got tired, and wanted to come back here, how would you guard the Government against such a condition of things?—A. I would make provision so that if they came back I would save some land for them. I don't see that this range land does the Government any good in the world.

Q. What would you do with it if you were the United States?—A. I think it would be better to throw it into the market.

Q. All of it?—A. A majority of it, anyhow.

Q. How would you sell it? What is the best way to get the most money for the United States, and not have it gotten for nothing?—A. I think the United States knows more about that than I do.

Q. You are a practical man, and we would like to have your views. —A. I think it ought to be opened for pre-emption, giving these men who have settled there the chance to enter a quarter section each.

By Mr. CAMERON:

Q. And let them put dummies on the other quarter sections?—A. They will do that anyway.

By the CHAIRMAN:

Q. Suppose the Government puts it up at auction?—A. Then the capitalists would get it.

Q. Well, they would have to pay the Government price?—A. I think it would be better to cut it up into lots.

Q. How much land would you give to one man? Would 160 acres be enough?—A. No, sir; a man could not make a living out of 160 acres of this mountain land. I would cut it up into lots of 640 acres.

Q. What would be a fair minimum price for the upland or range land?—A. Well, I understand men who have ranges, and have deeded land, ask from $5 to $8 an acre for it.

Q. Do you think $5 would be a cheap minimum for the range land upon the reservation?—A. Some parts of it are not fit for anything, but at that price a good deal of it would go.

Q. Suppose the United States makes up its mind to sell the upland and lowland, too, and scatter these Indians, what would be a fair minimum price for the valley land?—A. From $35 to $50.

Q. Would $35 be a fair minimum for all the valley land on the reservation?—A. I think all of it could be sold off at $35 an acre.

ROUND VALLEY INDIAN AGENCY,
MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Norman C. Salisbury.

NORMAN C. SALISBURY sworn and examined.

By the CHAIRMAN:

Question. What is your full name?—Answer. Norman C. Salisbury.

Q. How long have you been living here?—A. I have been here a year the first of last June.

Q. Are you one of the employés?—A. Yes, sir.

Q. What is your business?—A. I am on the books as logger.

Q. What is that?—A. That is, I have to get the logs to the saw-mill.

Q. You don't run the mill?—A. No, sir; that is the business of the sawyer.

Q. Is it a good mill?—A. Yes, sir; it is a good mill.

Q. Is it run by water or steam?—A. It is run by steam.

Q. Does it run all the time?—A. It could run all the time, but the boiler is too small. It does good work, though.

Q. Is the timber good and abundant?—A. Yes, sir.

Q. What kind of timber do you use?—A. Pine, spruce, or fir chiefly.

Q. Could you find a market for all the mill could saw?—A. Yes, sir.

Q. What expense would be required to put it into good order?—A. The engine is good, but the boiler is too small. It would take from six to seven hundred dollars to put the mill in capital order.

Q. Then how much lumber could it produce in a year?—A. It ought to average with a larger boiler 8,000 or 9,000 feet a day.

Q. Could you find a market for that?—A. Yes, sir.

Q. At a fair profit?—A. Yes, sir.

Q. At how much profit?—A. I have not figured it out, but it could be sold at the mill for $10 or $12, and it would not cost more than $3 to haul it and saw it.

Q. The cost of hauling and sawing it would be about $3 a thousand? A. Yes, sir.

Q. How much has the mill been running since you have been here?—A. We went there the 1st of June, and we sawed until the 1st of October, but the mill was in very poor repair; but she sawed quite a quantity of lumber.

Q. Don't you think it would be wise and prudent to put it in good order and keep it running?—A. It would be a good source of revenue for the reservation. We could saw enough to keep the buildings in good repair and sell lumber too.

Q. Would the Indians use considerable lumber in putting up houses around here if they had it?—A. They haven't very good houses.

Q. Do you know enough about these Indians to tell us whether they would be glad to put up houses if they had lumber?—A. Many of them have very inconvenient houses, I know, and I think most of them would like the opportunity to provide themselves with better ones.

Q. What portion of the heads of families could be induced to have homes of their own?—A. I don't know one but would like to have a home of his own. They are asking for lumber all the time, and pick up every piece they can find to fix up their houses.

Q. Do you know anything about the occupancy of the reservation by other people?—A. Very little. I am confined principally to the sawmill.

Testimony of Peter G. Tuttle.

PETER G. TUTTLE recalled.

By the CHAIRMAN:

Question. Mr. Tuttle, I forgot to ask you one question when we were examining you before. If you had this reservation under your entire control what changes would you make?—Answer. In the case of the stock, if the Government did not see proper to remove the men who are now on the reservation I would sell the northern part to a certain line running east and west, and I would reserve the western part from the North Fork of Eel River to the southern line of the reservation. The eastern part is of no benefit except a part near the valley, which should be retained on account of timber for fire-wood. We don't want our stock to run on the northern part of the reservation, because it is too far from home, and we have ample ground for them close home.

Q. Did I ask at what price you would sell the land?—A. You asked what it would be worth. I don't think I could form a fair estimate of what it would be worth.

Q. You would retain the valley land?—A. Yes, sir; I would not dis-

pose of the valley land; I should also endeavor to get this swamp and overflowed land and let the Indians have that. These people in here are raising herds, and are mixing their stock with ours. They ought to be removed or the reservation reduced.

Q. How do you think it could best be sold?—A. I should put it up at auction; and I should judge from the way they pre empt land outside, where they pay from $400 to $600 for 160 acres when a man gets his title, I should think they would be willing to pay as fair a price as these parties who have bought land have paid. I would like to have it so that we could have a certain place for our cattle where we would not be bothered with sheep, where no sheep shall be allowed to run. If the Government would only protect us from these sheep it would be a great help to the reservation. It is essential to keep in view the fact that the reservation must run to Eel River, so as to have a low range in winter, and the land along Eel River is occupied by White, Henley, and Uptegraff; it is essential to have it for the reservation.

COVELO, MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Whitcombe Henley.

WHITCOMBE HENLEY sworn and examined.

By the CHAIRMAN:

Question. Mr. Henley, will you give us your full name?—Answer. Yes, sir; Whitcombe Henley.

Q. Where do you reside?—A. I reside in Round Valley, at Covelo.

Q. How long have you resided here?—A. For a little over twenty years, off and on.

Q. Are you acquainted with the Round Valley Agency and reservation?—A. Yes, sir.

Q. Do you know the exterior limits of the reservation?—A. Yes, sir.

Q. Will you be kind enough to give them to the reporter? Give them in general terms.—A. The south boundary is the township line between Townships 22 and 23.

Q. Can you give the western, northern, and eastern boundaries?—A. The western boundary is the Main Eel River, and North Eel River.

Q. What is the northern boundary?—A. The northern boundary is the North Eel River, and Hall's Creek, and Bland Mountain.

Q. How would you describe the eastern boundary?—A. The eastern boundary is William's Creek; but I am not certain about that. I am not certain whether the reservation runs on the east to Eel River or not.

Q. About how many acres is it considered to contain?—A. My judgment is that it contains about 180,000 acres.

Q. 180,000?—A. Yes, sir; that is my judgment.

Q. That is more than the Indian Department report.—A. What do they report?

Q. They report it at between 102,000 and 103,000 acres.—A. Well, I will modify my statement, and say 125,000 acres then, because I think it is more than 102,000.

Q. Is any portion of it in the hands of private parties?—A. Yes, sir.

Q. Will you give the names of those parties, and how much of it is in their occupation?—A. I will have to estimate it.

Q. Well, as soon as you can estimate it?—A. Well, commencing with Jacob Uptegraff and Henley and Gibson about 16,000 acres, and Frank Azbell about 16,000, and Johnson and Eldred about 10,000, and J. G. Short about 4,000 acres, Johnson and Bourne about 5,000, George C. White, about 10,000, and J. N. Ray about 2,000. Now, I think, that is all.

Q. Do you know of any other private parties occupying any portion of it except those whose names you have given? Are you of the Mr. Henleys spoken of here?—A. Yes, sir; I think there are two or three parties on the reservation against whom judgment has been ordered.

Q. Do you mean the matter of swamp land?—A. No, sir; lands that are in the mountains here. They settled after the reservation lines were made, and suit was commenced against them by the agent, Mr. Sheldon, and judgment was ordered against the men occupying the lands. Now, men against whom judgment was rendered are J. K. P. Lewis and a man named Beers. I don't know his first name. Tom Hayden and John Hayden.

Q. About how much land do they occupy?—A. I do not know that.

Q. As to the land these parties, whose names you have given, now occupy is it marked out separately, so each one has a separate occupation?—A. Yes, sir, there is a well-defined boundary between the land occupied by each one.

Q. What use do they make of the land?—A. They raise sheep on it.

Q. Do they run sheep on it to nearly the extent of its ability to maintain sheep? That is to quite the full capacity?—A. Something near it. The reservation cattle also run on the land, and of course these men could not keep as many sheep as if there were no cattle on it.

Q. The reservation has how many cattle, all told?—A. My understanding is that there are between four (4) and five (5) hundred cattle.

Q. How long have the parties occupied this reservation, the parties or their predecessors?—A. All those except the three or four men against whom judgment was rendered have occupied it from the time the reservation was made a reservation, and long before.

Q. From the time the boundaries were fixed by the act of 1873, and previously?—A. Yes, sir.

Q. What is their claim to title?—A. I think I had better state the manner in which they have acquired the right to stay there.

Q. We would be very glad to hear you state it.

Mr. CAMERON. State it in your own way.

A. In 1873—I am not certain about the date, but that was about the date—the lands were extended into the mountains.

By the CHAIRMAN:

Q. The act was dated March 3, 1873?—A. At that time the majority of those men occupied the land they now control. I suppose it would be correct to say that all those parties I have named occupy the land now.

Q. They occupy it now?—A. Yes, sir; that is it. Those I have named; those from whom they have purchased were on the reservation at the time the lines were extended into the mountains. The bill extending the reservation lines provided that a commission should be appointed by Congress to appraise the value of their improvements, and pay them for the same. That commission was appointed, and it came

and appraised the property. After the appraisement was made the settlers claimed that it was improperly made; some of it not appraised, and some not allowed at near its proper value, and for that reason they refused to accept the money which was tendered according to the appraisement by the Government. Then the Government brought suit to compel them to leave, to eject them from the land, and judgment was rendered in favor of the settlers. In 1877 or 1878, I don't know exactly the date, that was appealed to the Supreme Court, and in the winter of 1884 the United States Supreme Court sustained the decision of the court below.

Q. Do you know the title of the suit?

Mr. CAMERON. The United States against whom?

A. I do not know exactly. It was against certain settlers, but I don't know whether all those men I have named were named in the suit or not.

The CHAIRMAN. Have these men any other claim except this, under which they claim the land?

A. No, sir; only the decision of the Supreme Court. They contend now that they have a right to remain until Congress appoints a commission to appraise the land properly; and pays the full value of their improvements.

Q. Are they willing to go then?—A. Well, I don't know; but they think they would *have* to go after that. If they don't have to go, they certainly won't go.

Q. They think when this is done, they will have no further rights?—A. Yes, sir; I suppose so.

Q. Under what claim of right did they make the improvements in the beginning?—A. As settlers of public lands of the United States.

Q. Were these lands open to settlement at the time?—A. Yes, sir.

Q. Were they surveyed lands?—A. No, sir; unsurveyed.

Q. They were not in the market.—A. No, sir.

Q. What right has a settler before the land is opened for sale?—A. The way I understand it is that the United States invites settlers to settle whether the land is surveyed or unsurveyed. They can settle at any time. After the land is surveyed, and the Government concludes that it wants the land it cannot take it without paying for the improvements.

Q. Why?—A. Because it has invited them to settle upon the land.

Q. How much land do you understand a settler can take?—A. One hundred and sixty for pre-emption or homestead.

Q. The improvements of how many settlers did Mr. Uptegraff purchase?—A. He purchased the improvements of only one settler.

Q. And that settler was only entitled to 160 acres?—A. Yes, sir.

Q. Did he make any improvements himself?—A. Oh, yes; a good many. He purchased somebody else's land, and added to it by adding other improvements in the same place.

Q. How could he enlarge it into 20,000 acres? Did he buy a right of these men to spread it?—A. Well, I don't know his opinion in regard to that.

Q. Take the Henley brothers, they bought somebody's improvements?—A. Yes, sir. They bought one-half of E. S. Gibson's. Really George Henley bought the half of Gibson's place. Gibson had made the improvements before the land was included in the reservation.

Q. Gibson made an improvement as settler?—A. He made an improvement.

Q. Will you explain to me how the Gibson improvement got spread out into 16,000 acres?—A. By his using that much?

Q. Yes, sir.—A. Just the same as other settlers use 20,000 or 30,000 acres sometimes. Men can come into that area and take up claims. When unsurveyed and nobody wants to settle the settler uses that much if he can.

Q. Of course that remark applies to all of them?—A. Certainly.

Q. Is there any other statement you would like to make?—A. I think not. All I wanted in the first place to give my testimony for was so that you would have testimony to show how many men were on the reservation and how much each one occupied.

Q. We have been glad to get the views of the men who hold the land. Your statement as to the men who occupy it is very much like that we have had before. It makes the quantity of land occupied a little less, but not a great deal.

Q. Is there anything else on the side of the men who occupy it that you desire to state, so that it can go upon the record?—A. No, sir; there is nothing else.

Q. If there is any one of these men about here who desires to give the testimony, he has the same right to testify as others have.

Mr. CAMERON. I think the appeal you spoke of was dismissed, but we have not ascertained why.

A. It was dismissed because no error was found in the proceedings below.

Q. No, I think that was not the reason, but we can ascertain from the district attorney in San Francisco.—A. I was informed that the district attorney at Washington dismissed it because he examined the record of the trial and found no error in it.

Q. Well, he would have no right to dismiss it.—A. Well, he could ask for its dismissal.

Q. Oh, yes. Are any of the lands on the reservation occupied by the persons you have named taxed?—A. No; none of the lands are taxed. Some of the improvements are.

Q. Is it a fact that these persons occupy this land without paying any taxes?—A. I will qualify my statement. Some of the land may be taxed.

Q. Are the lands occupied by Henley and Gibson taxed?—A. If any is taxed it is only a very small portion.

Q. It seems to give you a certain advantage over other citizens engaged in the same business?—A. Most of those engaged in the same business here have the same advantages.

Q. You mean those who are occupying good land?—A. Yes, sir.

By Mr. DAWES:

Q. Are the lands outside Government lands?—A. Yes, sir.

Q. A great deal of land?—A. Yes, sir.

Q. Open to purchase?—A. Yes, sir.

Q. Valuable land?—A. Well, a range of 20,000 acres is valuable, but not valuable per acre.

Q. I mean in quality.—A. It takes about 20,000 acres to make a range worth much.

By Mr. CAMERON:

Q. Is it valuable for any other purpose than that to which it is put—raising sheep?—A. It is only valuable for raising sheep; that is all.

COVELO, MENDOCINO COUNTY, CALIFORNIA,
September 22, 1884.

Testimony of Frederick A. Redwine.

FREDERICK A. REDWINE sworn and examined.

By the CHAIRMAN:

Question. Will you give the reporter your full name?—Answer. Frederick A. Redwine.

Q. Do you reside in Round Valley?—A. Yes, sir.

Q. How long have you resided here?—A. About nineteen years.

Q. Are you familiar with the limits of the Round Valley Indian reservation?—A. Yes, sir; I am familiar with what they have always said was the reservation, and according to the survey. The line runs along this township line to Eel River, and down Eel River to North Eel River, and up North Eel River to Hull's Creek, and along that to the head of Willims' Creek, and down that creek to Eel River and along that to the township line again.

Q. Is any of it occupied by private individuals?—A. Yes, sir.

Q. Do you know who they are and how much each of them occupies?—A. I can't tell how much each occupies.

Q. About how much, in your judgment?—A. Well, Mr. Uptegraff, who is a son-of-law of mine, has been there a long time.

Q. How many acres does he occupy?—A. I could not tell when you come down to acres; I have been over the place many a time, but I would have to estimate it; it must be, however, enough to keep 10,000 head of sheep.

Q. Enough to keep 10,000 head of sheep?—A. Yes, sir; but I could not tell exactly. North and south it must run 8 or 10 miles. A man is building a fence there now, and he could tell more accurately. This man is building a fence between him and Mr. Gibson which will be about 10 miles long.

Q. What kind of a fence is he building?—A. It is brush, rails, and wire.

Q. Barbed wire?—A. Yes, sir.

Q. Does the man reside in this town?—A. Yes, sir.

Q. You can't give the number of acres?—A. No, sir.

Q. Who else occupies a portion of the reservation?—A. There are Gibson and Henley.

Q. How many acres do they occupy—about the same or more than Mr. Uptegraff?—A. Their range is larger than Mr. Uptegraff's. It runs further east, and further on the reservation.

By Mr. CAMERON:

Q. Perhaps you could name them in the order in which they occupy.—A. The ranges I have named run along the main Eel River, which runs north and south, and the north fork of Eel River, which runs east and west.

Q. Who else is occupying land on the reservation?—A. Mr. George E. White has a large claim in there, but I know less about that than any of the others. I want to say this, that there are men named Beers, Lewis, and Hayden who have claims upon the same land claimed by White, along the township line between townships 22 and 23.

Q. Upon what ground does White claim this land?—A. Because the Government has never appraised his improvements.

Q. What are the claims of the other men you have named?—A. They are the same as White's as far as the Government is concerned, but they undertook to put up improvements upon White's claim, and there is a dispute between them and White.

Q. Can you name anybody else who occupies part of the reservation?—A. Frank Azbell has what is called the Boulder Mountain range.

Q. How large is it?—A. Enough to keep considerable sheep.

Q. How many?—A. Six or seven thousand, perhaps; five or six, at any rate.

Q. Where is his range?—A. It lies east of Uptegraff.

Q. Is there anybody else you can think of?—A. Let me see. I have a claim in there, but I have never been on it. I bought it lately. It is a claim that has never been appraised.

Q. Of whom did you buy it?—A. I bought it of Mr. Brown.

Q. How much land does that claim carry?—A. I suppose it runs about 2½ miles.

Q. Does an improvement carry just as much land and as far as a man claims?—A. Yes, sir.

Q. Then any improvement on unoccupied land carries the land just as far as a man claims?—A. Yes, sir.

Q. I understood from Mr. Whitcombe Henley that the Henley claim had grown from a single man's improvement claim to 20,000 acres?—A. I don't know that I understand you.

Q. A man made improvements upon the land before the passage of the bill extending the reservation?—A. Yes, sir.

Q. And his improvement was what was purchased by Mr. Henley, and that improvement had grown into a large tract of 20,000 acres, and the same in Mr. Uptegraff's case, whose improvements have grown to 10,000 acres. Do you understand it in that way?—A. Yes, sir; I do.

Q. Suppose a man forgets how much he claims, how can he tell?—A. Only like this: he could go up on that hill and say, I will claim so much, and he could herd sheep from a certain cañon to some other point, and he makes a brush fence from river to cañon.

Q. And claims all of it?—A. Yes, sir. The same question was brought before the courts to decide as to whether the title was good, and that is the reason I bought the Brown place. It was decided that all the land upon which improvements had been made, the improvements on which had not been appraised and paid for, was conveyable; and that is the way the act reads also.

Q. If you had a right there until your improvements had been appraised and paid for, you could convey it to some one else and he would have the same title that you had?—A. Yes, sir.

Q. With the same boundary lines?—A. Yes, sir; that is the way I understand it.

Q. Do you think of anything else you can tell us?—A. That is all I can think of.

UKIAH, MENDOCINO COUNTY, CALIFORNIA,
September 24, 1884.

A council was held here with members of the Potter Valley and Calpella tribes of Indians who had left the Round Valley Indian reservation and purchased land near this town, and the following Indians were examined:

Testimony of Charlie Brown.

CHARLIE BROWN examined.

By the CHAIRMAN:

Question. What is your name?—Answer. Charlie Brown.

Q. What is your occupation?—A. I am farming, and I act as interpreter for the Indians here who can't talk English.

Q. The rest can't talk English as well as you, can they?—A. Some of them can't.

Q. Where do you live?—A. I live in Ukiah now.

Q. How old are you?—A. I will be thirty-two next spring.

Q. How long have you lived here?—A. I have lived here twenty-five years.

Q. Where were you born?—A. I was born in Santa Rosa.

Q. What tribe do you belong to?—A. I belong to the Calpella tribe.

Q. How many Indians live here?—A. There 112 in my band, little and old.

Q. Did you ever live at Round Valley?—A. Yes, sir.

Q. How many years did you live there?—A. The last time I went there I staid four years. The first time I staid four months, and when Mr. Gibson was agent there I went back, and then Mr. Burchard came, and I was there altogether four years.

Q. Did all of your people live there at that time?—A. No, sir.

Q. Did your people come away with you?—A. No, sir; they came after I came.

Q. How soon after you came away did your people come?—A. From the reservation?

Q. Yes.—A. They came right after me.

Q. Did you buy some land?—A. Yes, sir.

Q. Did your people buy some land too?—A. Yes, sir.

Q. How much land have you?—A. I have got 10 acres of land.

Q. Do all your people own the land?—A. Yes, sir.

Q. You have 10 acres of your own?—A. Yes, sir.

Q. How did you get the money to pay for it?—A. I borrowed the money.

Q. And then you paid it back again?—A. Yes, sir; we worked and made money and paid it back.

Q. How many of your people besides you have land just as you have?—A. Well, I don't know how many have land. There are only five I know of.

Q. Only five?—A. Yes, sir. There are more people in there than that. We all live in a bunch, but I don't know but five who have land.

Q. How many acres have you and your people got altogether?—A. I don't know how many acres. I could not tell you that.

Q. You said five others besides you had 10 acres, did you not?—A. No, sir; I don't know how much they have.

Q. Have they more than you?—A. I can't tell you. I know Captain Lewis has a farm down here.

Q. Is he a full-blood Indian?—A. Yes, sir.

Q. Is he here now?—A. No, sir.

Q. Who else can you name?—A. Captain Jack, but he don't belong to my tribe.

Q. What tribe does he belong to?—A. He belongs to the Potter Valley tribe.

Q. What kind of work do you do?—A. I farm.

Q. What do you raise?—A. I raise some hay and some corn, watermelons, pumpkins, and potatoes.

Q. You don't raise any hops?—A. No, sir.

Q. Do you work in the hop fields for white people?—A. Yes, sir.

Q. How many days have you worked in the hop fields this year?—A. I worked thirty-six days.

Q. At picking hops?—A. Yes, sir.

Q. Did your people work at hop-picking too?—A. Yes, sir; all of them worked at it.

Q. How much have they earned?—A. I have a book I keep it in—well, they earned over $600.

Q. That has to be divided among how many people?—A. Between seventy-three people.

Q. Have they worked as much as you?—A. Yes, sir.

Q. Then the seventy-three have earned over $600 in thirty-six days?—A. Yes, sir.

Q. Do your people earn money enough to take good care of themselves?—A. Yes, sir.

Q. Has each one of you a wife?—A. Yes, sir.

Q. And children?—A. Yes, sir.

Q. And a home?—A. Yes, sir; each one has a little home.

Q. Did they build it themselves?—A. We buy the lumber and build the house ourselves.

Q. How do they pay for the lumber?—A. By their work, sir.

Q. They understand how to work, do they?—A. Yes, sir.

Q. Do you like to work and have something of your own?—A. Yes, sir.

Q. Why did you not stay at Round Valley? What was the matter?—A. We were worked there too hard, and didn't give us enough to eat.

Q. You didn't have as good living as you have now?—A. No, sir; we have good living here.

Q. If you could have good land there, would you rather be there or here?—A. Rather be here.

Q. How many came away from there?—A. Over three hundred.

Q. Did all come at the same time?—A. Yes, sir; all came at the same time.

Q. Can you tell how many years ago they came here?—A. Yes, sir; it was five years ago.

Q. Who was the agent then?—A. Mr. Burchard.

Q. Mr. Sheldon came there after you left?—A. After some of us left.

Q. Did he come there after the rest left?—A. A few were there. I was there when he came.

Q. Was he a good agent? How did he treat the Indians?—A. He didn't treat them right.

Q. What was the matter?—A. He worked us too long, and he said the Government would furnish money, sirup, and beef-cattle, and horses and ox teams, flour, and everything the people wanted. He said all these things belonged to the Indians; but, at the same time, we couldn't get any of it when we needed it.

Q. Didn't he give them enough to eat?—A. No, sir.

Q. What did he do with it?—A. He kept it for himself.

Q. Well, he could not eat it all, could he?—A. No, sir; but we don't know what he did with it. I don't care if a thousand people who work for the Government stand before me I can swear that we didn't get it. I killed 100 hogs myself, and scalded and cleaned them, but the Indians didn't get any of them.

Q. That is, 100 hogs were killed and something was done with them, and the Indians didn't get any of the meat?—A. Yes, sir; 100 and over at a time. We got about a half or a quarter of a pound for each In-

dian. I lived there quite a while, and I have worked a whole week splitting rails, building fences, plowing, sowing grain, working in the grist-mill, in a checked shirt, and the whole week amounted to $1.50, and I only got 75 cents in money—the rest in clothes, shoes, or something else.

Q. Did Mr. Sheldon try to get them to build little houses?—A. Yes, sir.

Q. Why didn't they build houses there?—A. Well, we did.

Q. Are the houses there now that you built?—A. I have a house of my own there now, and my brother-in-law has one there, too.

Q. Did you leave your house there and come here?—A. Yes, sir; I left a house there 28 feet long and 12 feet across.

Q. What did you do with it?—A. Nothing; I just left it there.

Q. When the people came away did the agent try to prevent them from leaving?—A. He let them come.

Q. Did he say they had better not go away?—A. He didn't say much.

Q. Your tribe are below here, I believe?—A. They are between Hopland and Ukiah.

Q. That is, your band. Where do the Potter Valley Indians live?—A. They live about 13 miles above here.

Q. Can they tell us how they live?—A. Yes, sir; they understand English.

Q. Have you a good many children down at your place, between here and Hopland?—A. Yes, sir; we have quite a number of children.

Q. Are you increasing in numbers?—A. Yes, sir.

Q. Are there more of you than there were when you first went there?—A. Yes, sir.

Q. How many children have you now?—A. In my own tribe there are about 10 or 12.

Q. How many died last year?—A. That I don't know.

Q. Have you any school?—A. No, sir.

Q. Would you like to have your children go to school?—A. Yes, sir.

Q. Would you like a school of your own?—A. Yes, sir; we don't want them to go to school with the white children. We want a teacher of our own at our place.

Q. Why don't you want your children to go to school with white children?—A. Because there would be trouble between the Indian children and the white children.

Q. You think it would be better to have a little school in your own village?—A. Yes, sir.

Q. Could you pay the teacher?—A. Yes, sir; we would pay the teacher, and we could build a little school-house.

Q. Would you be glad to have a teacher sent you?—A. Yes, sir; and we have a little money to pay the teacher.

Q. Are you doing better here than you were at Round Valley?—A. Yes, sir.

Q. Do you think it would be better for all the Indians at Round Valley to go off somewhere like you have done?—A. It is better for them to stay there.

Q. Could they not do as well as you if they were to go off somewhere to themselves?—A. Sir?

Q. Suppose the other Indians were to start off and get some land?—A. They all have land.

Q. I mean the Indians at Round Valley?—A. I don't know about that; all of my tribe have gone away, only about eight left there now.

Q. Are they old people?—A. No, sir; they are young people?

Q. Were your people born up there?—A. No, sir; none of them were born up there. Gibson took us up there when he was agent.

Q. Have all the Indians except those who were from up there gone away?—A. The Potter Valley Indians were born in Potter Valley. They went up there, but have come away again.

Q. You don't know how many are in Potter Valley, do you?—A. No, sir.

Q. Do the Indians here live just like white people?—A. Yes, sir.

Q. Do you drink whisky?—A. Yes, sir.

Q. Too much?—A. Yes, sir, sometimes; I don't deny my word.

Q. It is a bad thing everywhere?—A. Yes, sir.

Q. Do your people get drunk and get into fights?—A. Yes, sir; just like the white people.

Q. Do they get into the courts often?—A. Not very often.

Q. As often as the white people?—A. No, sir; not as often.

Q. Do any of them have more than one wife? Have any two wives?—A. Yes, sir; some keep three and some keep four wives. We don't marry by license like the whites. We did that way when we were at the reservation and were Christians. We married then by license, but that didn't do us any good, so we let it go.

Q. And now all of your people have more than one wife?—A. Yes, sir.

Q. Do they marry just like white people?—A. Yes, sir; our people marry like white people.

Q. How do you do when you get married?—A. When we want to get married we go to the captain and we have a small meeting of forty or sixty or eighty people right there, and we have to give the woman decent clothes and a little money. When we give the woman the money and the clothes we go to the place where her mother and father live and we make a trade just like trade for something else, and then they pay us back what we spent for the woman. That is the rule of our people; it is the rule now.

Q. You do this with the first wife?—A. We do just the same with the other wife, and then we turn the first wife off.

Q. You don't have but one at a time?—A. No, sir; we have only one at a time.

Q. You don't have two or three together living with you?—A. No, sir; when we are tired with one wife we let her go.

Q. What do you do with the children?—A. Let them go, too.

Q. Can the wife do the same way?—A. If a woman don't like me she can leave me and go and get another husband and take her children along with her.

Q. What did you pay for your 10 acres?—A. I paid $1,000—$100 an acre; but the interest and taxes brought it up to $1,450.

Q. That was a pretty good price?—A. Yes, sir.

Q. Was it too much?—A. I don't know about that.

Q. How did you get that money?—A. We made it picking hops.

By Mr. CAMERON:

Q. Do you pay a poll tax?—A. No, sir.

Q. Do you think you could sell the land for what you gave for it?—A. No, sir; I could sell it for $1,400. I could sell it to Judge McGovern. We have a bargain with him.

Q. Are you going to sell it?—A. Yes, sir. We are going to sell it and buy wood land.

Q. What are you going to do with wood land?—A. We want to build

houses and have a fire to cook with. We want to use it with our other land.

Q. So you are going to buy some wood land to use with your other land?—A. Yes, sir.

Q. Do the Ukiah people tax your land?—A. Yes, sir.

Q. Do they tax you as much as the whites?—A. No, sir; not so much.

Q. Why?—A. I don't know.

By the CHAIRMAN:

Q. Were your people sick on the reservation?—A. Yes, sir.

Q. What was done when they were sick?—A. The agent forced us to work when we were sick.

Q. Wasn't there well ones enough to work?—A. No, sir; when we were not able to work he forced us to work, and when we would not work he said he would put us in the smoke-house. He put some of us in the smoke-house pretty nearly every day.

Q. Which agent did that?—A. Sheldon, Burchard, and Gibson all did worse and worse.

Q. You said you go to "the captain." Have you a man here called Captain?—A. Yes, sir.

Q. Is he chief?—A. Yes, sir; he has the same authority as a chief. He is the head of my tribe.

Q. Does he tell you what to do, and you obey him?—A. Yes, sir.

Q. Does he keep your money?—A. No, sir.

Q. But he advises you what to do?—A. Yes, sir.

Q. Is he the oldest man?—A. No, sir.

Q. Is he pretty old?—A. Yes, sir. This man sitting here [pointing to an old Indian] is Captain Billy, and that other one next to him is old Calpella.

Q. Where does Calpella live?—A. He lives above Ukiah, about 6 miles, at Calpella. He was born there, and so that town was called Calpella. Our tribe had a little reservation in San Rosa when he was a boy. He was taken there and kept in captivity for fifteen years, and they forced him and his people to remain there.

Q. Who did it?—A. The Mexicans.

Q. That was under the Mexican Government?—A. Yes, sir.

Testimony of Charlie Bourne.

CHARLIE BOURNE examined.

By the CHAIRMAN:

Question. What is your name?—Answer. Charlie Bourne.

Q. Where do you live?—A. I live right up here above town about a mile and three-quarters.

Q. Where did you live before you came here?—A. I used to live in Potter Valley.

Q. How much land have you of your own?—A. I have about 56½ acres.

Q. Of your own?—A. All mine.

Q. All paid for?—A. Yes, sir.

Q. How much did you pay for it?—A. I paid $600 for it.

Q. Have you a deed for it?—A. Yes, sir.

Q. How long ago did you get this land?—A. I got it in 1879; the 22d of September.

Q. Have you a house?—A. Yes, sir.

Q. Have you a wife?—A. Yes, sir.

Q. How many houses have you on this land? We want to find out how nicely you are getting along, and then we want to ask you about Round Valley. We want to know about your land here, and we will then tell the people at Washington that you have some nice land that you own yourselves. You say that you and your folks have 56½ acres?—A. Yes, sir; but I thought you were going to ask about the reservation.

Q. Well, we are.—A. Well, I thought you were asking me about my land.

Q. We only want to know how you are getting along.—A. There is Captain Jack and myself who run the farm now and paying taxes and interest, but it belongs to all our folks, and nobody can take it.

Q. How many houses have you?—A. We have a good many.

Q. Are they good, comfortable houses?—A. Yes, sir.

Q. Do you like to live there better than at the reservation?—A. Yes, sir; all of us like to live there better than at Round Valley.

Q. What do you raise on the farm?—A. We raise hops and rent some hops.

Q. Do you work for the white people around here?—A. Yes, sir; we work for them. I have rented 10 acres of hops for myself.

Q. How many children have you?—A. Of my own?

Q. Yes.—A. I have only one child.

Q. You have a wife, I suppose?—A. Yes, sir.

Q. Do you live in a house by yourself?—A. Yes, sir; I live in a house by myself. We all live in our own houses.

Q. Each man who has a wife has a house for himself?—A. Yes, sir.

Q. You say you came away from Round Valley in 1879?—A. No; we came away before that, and picked hops down here. We don't count the day and the month like the white people. We don't know anything about that, but I know when we bought that land by the day and month.

Q. Who was agent at Round Valley when you came away?—A. Mr. Burchard was agent.

Q. Didn't you like him?—A. Oh, no. He was the trouble when he was there.

Q. What was the trouble?—A. The only trouble was that every agent on the reservation when we were there would say, in the first place, that he would give us a horse, some land, cows, and everything for our own if we would learn something. Well, I went to school about two months and I didn't know my A B C's, and they ought to have left me there more than that time. I ought to have staid in school until I could learn something. I wanted to understand something, but they would not let me stay at school. After I had been at school they put me to work like a dog.

Q. There was a school there all the time, was there?—A. There was a school there, and they ought to have let me stay in it.

By Mr. CAMERON:

Q. How old are you?—A. I am about twenty-one.

By the CHAIRMAN:

Q. How much have your people earned this year from raising hops?—A. They go out and pick hops for other people.

Q. How much did *you* earn from raising hops?—A. I have not sold my hops yet.

Q. How much did your people earn this year from going out and picking hops for the white people?—A. My people got over $800.

Q. Did they get it in money?—A. Yes, sir.

Q. What do these people do with their money?—A. They feed themselves with it in the winter and build houses.

Q. Have you any school at your place?—A. No, sir.

Q. How many children have you got to send to school if there was a school?—A. I can't tell that now.

Q. Have you thirty?—A. No, sir.

Q. Do you want to build a school-house? We want to know whether you want a school, and whether it is best to set up a school for you.—A. I heard before you came here that a school-house was going to be built, but I didn't say anything. Why don't you build us a school-house for us and give it to us as long as we live? But we won't say we will pay for it or for the teacher. We could say so if we had $1,600. We want a school, of course, but we don't want to pay anything. We would be glad to send our children to school if the Government will build a school-house and send us a teacher and we will not have to pay anything.

Q. Would you not be willing to pay something?—A. No, sir; we had schools in the reservation, you know.

Q. You said they ought to have sent you to school more when you were on the reservation—that they did not send you to school half enough. Now, don't you want a school on your place here? We only want to know what you want. We want to tell the people at Washington that you have land of your own, and are earning money, and have homes and want a school.—A. Well you ought to have asked that in the first place, instead of asking how I live and what I did in the reservation.

Q. I wanted to know how you got along, and if things were going wrong at the reservation.—A. That is the reason we left there.

Q. Well, tell us what was wrong.—A. Well, they didn't treat us as we wanted to be treated. In the first place I didn't go to school long enough. I went to school to try to learn something because they said that was what they wanted us to do; to learn not to steal, fight, or drink, and learn to do no wrong to any person. I went to school when I was about fourteen years old, and in about two months they took me away, and I have not learned the A B C's. They did the same to all these men here.

Q. Do all you people have more than one wife?—A. I want to tell you about the reservation. I am not through yet.

Q. Well, go on.—A. In the first place, they said they would give us land and horses and everything we wanted, and they never did it. They ought to have given us something so we could live there. They didn't do it, and we came away and bought our land here the 22d of September, 1879. We have our own homes here and feed ourselves well, and nobody troubles us—nobody does any harm to me here.

Q. How many of your people are here?—A. Over a hundred; but I don't know exactly how many.

CHARLIE BROWN recalled.

By the CHAIRMAN:

Question. Do you want to say anything more?—Answer. Up at the reservation they told us about the Democrat and Republican. They

said the Republican would show us what to do; how to get a home, how to work, and how to live, how to raise vegetables of all kinds; and they said we could have our own land, 6, 7, 8, or 50 acres for ourselves. Every agent said so, but we didn't get anything; sometimes we went to school only two or three months; but I can read and write and find out things through the newspapers; and so I said to my people they have promised us everything and we have got nothing, so we better leave and go to Ukiah, in Mendocino County, and buy our own land and live there. We can shear sheep, and make money, and we can rent hops and make money, and pay for the land; we can buy 15 or 20 acres and pay the interest (I understand what interest means); that is what I said to my people; and so I took my people away, because I found out something about those white people. I learned very little at school; only two or three words; but I taught myself since; I studied myself; I knew something; so I took my people away, and brought them here and found a place for them. We paid $100 an acre for 10 acres. That is what I wanted to tell you, and that is the last word from me.

UKIAH, MENDOCINO COUNTY, CALIFORNIA,
September 24, 1884.

Testimony of Eberle.

EBERLE recalled.

By the CHAIRMAN:

Question. Could you give us any further information than you did when before the committee the last time in reference to the fair rental of the land now occupied by private parties on the reservation?—Answer. Sheep and range are leased in Mendocino County at a cash rental of from 75 cents to $1 per head per year, the owner to pay the taxes on the sheep and lands, the lessee to return the number of sheep leased. Jacob Updegraff's sheep, grazing on the Round Valley Reservation, have been leased for several years at those figures, latterly at 75 cents per head per year. At 75 cents per head the income to Mr. Updegraff on 1,000 head of sheep would be $750. Stock sheep are worth and valued at $2 per head; 1,000 head worth $2,000; 10 per cent. per year would represent a good interest on the money invested and cover the taxes on the same, and would amount on the $2,000 (the value of 1,000 head of sheep) to the sum of $200. As Mr. Updegraff owns no land on the reservation, and pays no rent for the use of the reservation lands, his income for each 1,000 head of sheep leased to Joel Varm is $750 per year; of this amount, $200 represents a fair interest and taxes on the actual capital he has invested, and $550 represents the yearly income he receives for the use of the reservation lands upon which his sheep graze for each 1,000 head. As the lessee expects also to receive a profit from the transaction, it is a fair presumption that those who do not lease their sheep derive a still greater income from the use of the reservation lands for sheep only, exclusive of other stock.

THE MISSION INDIANS.

LOS ANGELES, CAL.,
September 29, 1884.

Testimony of Anson Brunson.

ANSON BRUNSON sworn and examined.

By the CHAIRMAN:

Question. What is your full name?—Answer. Anson Brunson.

Q. You are a member of the law firm of Brunson & Wells?—A. Yes, sir.

Q. State your relation to the Government of the United States.—A. We were appointed special attorneys to represent the interests of the Indians in this part of the State of California, and as such we have now on hand one case which was commenced by Burnes, of San Bernardino. It is an action of ejectment against over a hundred of those Indians named in the process?

Q. Please begin back and give us a little narrative or history of those Indians, their condition and their relation to the title to these lands.—A. I spent three or four weeks, gentlemen, four or five years ago, during the spring and fall, hunting in that neighborhood, and that was my first acquaintance with these Indians. I passed through their village, and upon inquiry there I learned, from a man who lived there, that those Indians have been in possession of the same land, they and their ancestors, for over one hundred years. They have built upon the ranch quite a number of houses, which are in good shape and condition. In fact they are in better condition than the majority of houses occupied by the white settlers in the valley. They are well covered, and mostly adobe houses. Their fields are inclosed for the most part with live willow trees. The last time I was there, which was about a year ago, they were fencing their lots. Upon these lots they raise all kinds of vegetables and barley. I don't know about wheat. They have some cattle and horses, but not a great deal of stock. They are a peaceable, quiet people, and you can frequently see them on their ponies hunting rabbits. Their rights were never questioned until about two or three years ago, at the time of the partition of the land, when Burnes was awarded the land upon which these Indians are located. They occupy only a small portion of the land. The rancheros go into the valley to cultivate their little patches of vegetables for their own use, and they shear sheep to obtain money to supply their wants. They have wagons and horses also.

When this land was awarded to Burnes he knew the condition of the Indians living upon it, and I have been told, whether it is reliable or not I don't know, that he was particularly desirous to have this particular tract assigned to him, in order that he might get some bill through Congress by which he could sell it at an advance over its actual value; and the name of Lawson was prominently connected with that arrangement. Perhaps that led to his removal. I don't remember when the patent issued for that ranch. I think, however, it was about the time of the trial of the partition suit, so the statute of limitations would not run, the State courts and the Supreme Court of the United States having decided that the statute of limitations does not run until the issuing of the patent. The grants from the Mexican Government reserved to these Indians their right to occupy that land. We who have

had the most experience with the Mexican titles know that it was the policy of that Government to protect the Indian. They were not only a protégée of the Mexican Government, but of the church also. Were it not for this partition, and the expectation of selling at a figure in advance of the actual value, the suit would not have been commenced. The present suit is on a motion for a new venue.

Q. What does Burnes claim is his title?—A. As one of the successors of the original grantee holding under the Mexican patent. The patent upon Mexican grants reserved the outstanding rights of all parties. It was stipulated in the treaty with Mexico that the property rights of Mexican citizens should be protected.

By Mr. MORGAN:

Q. Were these Indians recognized under the Mexican law as citizens?—A. Yes, sir. In 1851 Congress appointed a commission to settle private land claims. This commission came here and the different claims were presented, and they passed upon them. This is one of them. The grant was confirmed, and the Federal courts say the issuing of the patent is a quitclaim.

Q. In the grant made by the Mexican Government to its grantee was there any reservation of the rights of other persons, or did the Mexican Government grant the land that was in the bona fide occupancy of the claimant?—A. There was none, except in the case of Indians. The policy of the Mexican Government has always been to protect the Indians in the different settlements they may have made. Most of this land was mission property, that is, property belonging to the church. They would not make a grant covering mission property. Until confiscated by the Government it was considered mission property. Wherever the Indians have been their rights were respected by the Mexican Government. There is not a case in the Mexican records where the Government has attempted to remove Indians from their occupation of land.

Q. Would you advise the purchase of this land at what it is reasonably worth to Mr. Burnes? At the price it is actually worth in the market?—A. Yes, sir.

Q. How far is it from here?—A. About 90 miles.

Q. How far is it from the railroad?—A. About 65 miles. You have to get off at San Gorgonia.

Q. What is the present condition of these Indians. If an Indian had land in his own right would he take care of it?—A. Yes, sir.

Q. Do they understand what it means to own land?—A. They understand what it means, and they are as particular among themselves as to trespass as you or I would be if we lived in New York City. They recognize the rights of property, are well behaved, quiet, peaceable people. In all my denlings with them I have never heard a word of complaint against them. I believe some of the Gorgonia people have been accused of stealing.

By Mr. MORGAN:

Q. If they nave, under the treaty, a paramount title to the land they occupy, then you consider the patent by the Government makes a reservation for the Indians?—A. That is the ground of the defense in the suit for ejectment. We regard that reservation as sufficient.

By the CHAIRMAN:

Q. How could the Government ascertain if they thought it wise to purchase Mr. Burnes's interest in this land; how could they ascertain the true value of it?—A. The best way would be to take the value of

land in the immediate vicinity. Most of the people who have been awarded suits are represented by a syndicate here in this town. They are selling off all they can get, and their scale of prices would be a very good criterion to go by. The value of the land before the partition was perhaps $2.50 an acre; perhaps now it is worth $4; maybe it would cost $10 to buy it.

Q. How large a tract would it be wise to purchase for these Indians?—A. I think from 300 to 500 acres would cover all of the claim the Indians occupy.

Q. Would that be enough for them?—A. Yes, sir.

Q. If the title were in them in fee do you think they would stay there and keep the land?—A. I have no doubt of it. They are less nomadic than any Indians in California. Our Indians are very different from the savage Indians. Those in Round Valley are different from the Indians on our side of the mountain. Savage Indians roam about, but these don't go away from home except in sheep-shearing or harvesting time.

Q. Do they keep the money they earn?—A. Yes, sir; of course they don't accumulate a great deal of property. If they have a wagon and a span of horses they are satisfied.

Q. Do they drink whisky?—A. I have never seen any of them with whisky. There was some trouble about whisky but through the Federal officials it has been suppressed.

LOS ANGELES, CALIFORNIA,
September 29, 1884.

Testimony of John G. McCallum.

JOHN G. MCCALLUM sworn and examined.

By the CHAIRMAN:

Question. What is your full name?—Answer. John G. McCallum.

Q. You are agent for the Mission Indians, are you not?—A. Yes, sir.

Q. How long have you been such?—A. Since the 1st of last October.

Q. Will you be kind enough to tell us all you know about them without our questioning you? Tell us how how many there are.—A. The last enumeration was in 1880, and at that time there were 3,010. There has been no enumeration since.

Q. In your opinion are there as many now as there were in 1880?—A. I think there are a few more now. There has been no epidemic among them, and are in good condition; and they have, I think, slightly increased.

Q. How many reservations have they?—A. They have about twenty reservations of their own.

Q. Will you describe them?—A. The agency office is at San Bernardino, and the heaviest of these reservations is about 30 miles from that place, and the most distant 120 miles. The others are scattered about within that distance, some of them being 180 miles apart. They are generally small reservations.

Q. Do they depend upon appropriations from the Government for their support?—A. They get the benefit of appropriations, but they are not what are called nation Indians. All they receive is a gratuity from the Government, I understand.

Q. About how much does that amount to each year, do you think?—A. So far as rations are concerned they are confined to the old, infirm, and indigent. That has not for a few years exceeded an average of $300 a year for the whole 3,000 Mission Indians. The largest reservation is at Banning, which is a station on the Southern Pacific Railroad, near the center of the four townships which are reserved. There is no other reservation near so large as that. Perhaps that will amount to about as much as all the others put together. It is peculiarly situated. A number of Indians are here, and are within the limits granted to the Southern Pacific Railroad Company. About Banning, in the valley, the land was surveyed at the time of the executive order of August 27, 1877, by which this reservation was set apart. The executive order, of course, reserved all land the title to which had passed from the Government. Under the ruling of the Department it was argued that with regard to railroad land which had been surveyed the title had passed. You will find that the town of Banning was built within the limits of these four townships; within some of the even-numbered sections which had been sold at that time. There has been a continuous effort made to have that reservation cancelled. Of late the people of Banning are making every effort to have it cancelled so far as the township of Banning is concerned. The land in the other townships is not sectionized. I mention this fact because it will be a question whether those unsurveyed townships should not be made a reservation, provided surveys have been made to ascertain where the odd sections will fall which are claimed under the railroad company. While I have endeavored to dispel that idea, under instructions from the Department that such lands are considered reservation lands until surveyed, the agent of the Southern Pacific Railroad Company has notified the people that the railroad company has instituted, or are about to institute, a suit at Washington for the purpose of obtaining their equitable rights, and some of those persons who have settled upon what would be odd sections if surveyed, seem disposed to hold on to their settlements. I mention those four townships particularly, because there is more natural water and wood there than, perhaps, there is in all the other reservations. It is, in fact, the only body of good land in the whole reservation, and if the policy of the Government shall be to have a permanent reservation for these Indians without buying it, that would be the proper reservation. It is a large body of land, and well located for natural water and timber. There is a gentleman here now who has come to meet you as the representative of the settlers about Banning, who seeks to have that township set aside, because much the larger portion of the valley has been disposed of and the title is in question. They are outside the exterior limits of the reservation, but are in the section allotted to the railroad company. Their claim, and I think it is correct, is set forth in the following communication addressed to the Secretary of the Interior and the Commissioner of Indian Affairs, but was sent to me within the last few days.

To the honorable Secretary Teller and the Commissioner of Indian Affairs at Washington, D. C.

We, the undersigned owners and residents of Banning, Cal., situate in the T. 3 S., of R. 1 E., in San Bernardino meridian, respectfully ask for your concurrence and aid in securing the removal of the Executive order of date September 12, 1876, withholding from public entry portions of the township above mentioned, the same being a part of the reservation intended for the Mission Indians, and to this end submit the following facts for your consideration:

That from the map subjoined it can be seen that more than half of the township is

There is no water on the Indian land in this township, and although atte
been made to procure water from wells these efforts have not been succes
no Indian settlement exists in this township. Only cereal culture is possib
of these lands, from the same cause, and this only in favorable seasons.

The fact of these few unimproved sections being thus withheld and s
between improved lands seriously retards and clouds the development an
of this entire section of country. It is an Indian reservation without a sin
resident. Nearly all of the able-bodied Indians who reside in the next tov
employment here; thus the development and progress of this section being
benefit alike to them also.

We had hoped, from representations repeatedly made to various commissi
latterly to Commissioners Whittlesey and Smiley (who concurred in the e
of the removal of the Executive order, so far as affecting this portion of th
tion) that action on your part would long ere this have been taken for our
recent letter from Commissioner Price, instructing Agent M'Callum to eje
tlers, and not to allow of cultivation upon these unoccupied lands, has aro
excitement and public feeling against the injustice of the depreciation of
and property from contiguity to these unimproved sections. Many settler
tled and improved their lands before the date of the Executive order, and
difficult from this cause to dispose of their property. We, therefore, urge
that some measure be at once adopted for our relief. All facts herein
vouched for by the undersigned property owners.

Dated at Banning, Cal., this 18th September, 1884.

WELWOOD MURRAY.	E. G. CARPENTE
SAN JOSÉ FRUIT PACKING COMPANY.	J. M. GILMAN.
GILLIG & CO.	W. S. HATHAWA
JOHN C. HAY.	R. I. CARPENTE
WRIGHT BROTHERS.	GIDEON SCOTT.
WILSON HAYS.	BARBOUR & MU
CHARLES H. INGELOW.	W. K. DUNLAP.

WITNESS. So far as my knowledge goes, the facts stated are
but I would not wish to be understood as agreeing in the in
and conclusions drawn from that statement. I simply present t
ment and the map which accompanies it. The facts are set f
rectly so far as township 3 south, range 1 east, San Bernar
ridian, is concerned, but the legal conclusions to which they ar
not prepared to say that I indorse. The statement of facts is
but I do not think they state a legal argument. [Here witne

argument against canceling that which is unsurveyed in that township. It is true, as stated, that in that township, so far as I know, there are no Indians residing. I believe, however, that if the Indians had any assurance of a title in severalty, numbers of them would like to settle about Banning. In making my annual report I have had reference to the act of Congress, passed last session, giving Indians the right to homestead upon public lands precisely as white people do. The former rule was that they should be allowed to do so upon the renunciation of their tribal relations.

By Mr. MORGAN:

Q. Before you leave that point I would like to ask would you not provide that an Indian homestead should not be available within a certain time?—A. Certainly; the law makes that provision. In Southern California there is no large body of tillable land among the public lands; a great portion of the State is a desert, and is useless as long as it is destitute of water. Now, the late act will be of little or no benefit to these Indians unless they can take homesteads upon the Indian reservation. Under the act an Indian cannot take a homestead upon the reservation any more than a white man can; therefore I think the Executive order could be modified so as to make an exception in favor of the Indian. If that can be done many of these Indians would be glad to take such homesteads.

Q. Does this late act prevent Indians from making homesteads upon a reservation?—A. Yes, sir; the land being set apart as an Indian reservation prevents an Indian from making a homestead upon it.

Q. It is reserved in common?—A. Yes, sir; precisely.

Q. Before an individual can get a homestead upon the reservation such a bill as the Coke bill would be necessary, then. Would not that cure it?—A. Yes, sir; the law of allotment has no reference to these Indians.

Q. Here are four townships set apart by Executive order; is there a particular tribe upon that land?—A. Yes, sir; this land is occupied mostly by the Serranos, a branch of the Coahuilas, the San Luis Reys, and the Dieguenos. Very little distinction is kept up among these Indians as tribes, so the reservations are made for the Mission Indians at large.

Q. Are there any particular Indians who have a right to go there to the exclusion of other Indians?—A. I think not.

Q. As an agent of the Government, you would not prevent any Mission Indian from going in there and settling upon these four townships?—A. My answer is that any Mission Indian can occupy the land, as no tribes are mentioned. In truth they are mixed up.

Q. Are these four townships involved in the case which Judge Brunson mentioned?—A. No, sir.

By the CHAIRMAN:

Q. What is your advice as to the best disposition of the whole question touching this reservation?—A. The title of the railroad company should be extinguished, either by purchase or giving new lands with proper guards. I think the bill for the relief of the Mission Indians contains such a provision, but there should be some guard with reference to the limits, otherwise those people would be likely to select more than the equivalent of the land they lost. The right to select land without any restriction would be worth $10 an acre. I might say $40 as to some land. I have examined a number of Mexican grants, and they

all contain a provision reserving the rights of Indians who are living upon them. Ex-Governor Downey claims a grant which contains the most prosperous village of the reservation—Aqua Caliente. He said that as to his grant it was an exception. He said the others contained a reservation as to Indians, but his did not; and he did not see how the other claimants would get over it. I informed him that all of them contained this exception, but as to whether Indians were citizens of Mexico I understand that the Mexican law made no distinction as to race, but it did as to condition. There were wild and civilized Indians, and the wild ones were not citizens. These Mission Indians, I think, were not classed as wild Indians. and if they were not wild Indians and were citizens of Mexico I must confess that I don't see by what authority I am acting as agent.

Q. Do you think these Indians need all the land in each one of these reservations?—A. No, sir.

Q. Would it be wise to dispose of a portion of it?—A. I think so.

By Mr. MORGAN:

Q. Are these Indians industrious?—A. Many of the younger Indians are industrious, and they are as honest a people, so far as my observation goes, as I ever knew. Their crimes are petty. If they commit larceny it is petty. They seem to pick up things of a petty character. Of course there are many indolent Indians among them. They are very timid Indians. They are not like any other Indians I have seen; they are superior to all the other Indians in California in respect to industry and obedience to law, but they are like children in intellect.

Q. How about polygamy?—A. I don't know of any poligamy among them, but they seem to have exceedingly loose ideas with regard to matrimony. That is, the fathers of the Indian girls will trade them off—sometimes for $20, and sometimes for a horse. They don't trade them to white men, but to Indians.

By the CHAIRMAN:

Q. Do they have more than one wife at a time?—A. They have only one at a time, as far as I know.

Q. How are their morals?—A. Their morals are not the same as those of the whites, yet they apparently have not the sense of guilt that white people would have. Of course their education is different, and their views of morality differ from ours. They have the diseases that come from immoral indulgence. There is considerable scrofula and complaints connected with syphilis, but this does not prevail with the majority of them.

Q. Are there any schools upon these reservations?—A. We have six day schools.

Q. What progress do the children make?—A. The children at these schools are making good progress.

Q. Do they speak English?—A. I estimate that about 30, perhaps 50 per cent. of the whole number talk English. There are a great many more who understand English, but will not talk it. Perhaps one-tenth understand, but will not talk, English.

Q. Do the children who attend school learn English?—A. They learn to read and write English, and will read in the Fourth Reader with as much accuracy of pronunciation as white children of the same age, and yet it seems that they don't understand what they read. They learn to pronounce and spell very accurately. They improve up to a certain point very fast, and then their development seems to stop—that is after they finish the Fourth Reader and the elementary rules of arithmetic.

By Mr. MORGAN:

Q. A majority of them speak Spanish, do they not?—A. Yes, sir.

Q. If any one was clothed with the power to distribute to them lands in severalty, giving each head of a family sufficient land for the purposes of self-support, what proportion of them would take this land and settle down upon it as citizens?—A. I would estimate that there are between five and six hundred heads of families, but perhaps a majority of all the adults among them are engaged among the white people. They are not on the reservation except occasionally, and are not engaged in agriculture for themselves. They don't know how to proceed to get homes of their own.

Q. If some one would point out the way and help them to do it, could they be led to take homes in any considerable number?—A. I think about 400, perhaps more, would do so.

Q. How large a homestead would you advise should be set apart for each head of a family?—A. I estimate it at 80 acres; while there are about one-quarter of a million acres in all the reservations together yet perhaps nine-tenths of the land is worthless to the Indians, because destitute of water, and they have not the enterprise to bring water upon it; so what might be suitable for Indian homesteads might not be more than 25,000 acres. Eighty acres in this country, well cultivated, is, I think, more than sufficient. I will say further that Indians don't cultivate large tracts of land. Even in their villages, where they could extend their fields, they cultivate only 3 or 4 acres, where there is no reason why they could not cultivate 30 or 40.

Q. Are any of them in want?—A. They are not in want so far as the Government is concerned. It was said that in some portions of San Diego County they were in want on account of the crops being blighted, but the Indian captain there does not corroborate it. I sent word for them to send a wagon for provisions, but the wagon did not come. The Government has supplied all that has been estimated for, and the estimate has been small because there has been but little demand—not more than $300 a year on the average. The goods I estimated for the year are now arriving at Colton.

Q. How often do you visit these reservations?—A. I visited them last fall; that is, I visited all those reservations at which there are schools, and I visited most of them this spring. To visit all the reservations where there are schools requires a travel of 40 miles a day for a trip of nearly two weeks, situated as they are through the mountains. To visit all of them would take about a month. I have visited all the principal villages since I have been agent. There are some places where the reservation is only a section or quarter section. I have not visited them.

Q. Then it only comes to your knowledge that there is need of assistance from applications made to you?—A. Yes, sir; I learn a good deal upon my visits to the reservations, but a great many of the Indians visit the office, as, for example, the Indians under Cabezon, the son of Cabezon, who is now said to be one hundred and forty years old; they came to see the new agent. Perhaps 200 of them came in from the Colorado Desert; then the captains of the villages about San Bernardino came in, bringing an escort sometimes of as many as 200 Indians. A good many of the Indians are in Los Angeles picking grapes and shearing sheep. Perhaps there are 300 Indians in Los Angeles engaged in industrial pursuits.

Q. What wages do they get?—A. They get from $1.25 to $1.50 a day

through the grape season; and during the sheep-shearing time they get 5 cents a sheep, and some of them make $4 or $5 a day. It is safe to say that they make not less than $1 a day.

Q. Who teach the day-schools you spoke of? Are the teachers male or female?—A. Female.

Q. Who appoints them?—A. The agent nominates them, subject to confirmation by the Commissioner of Indian Affairs; but the Commissioner usually confirms the nominations.

Q. How are you guided in the selections?—A. The teachers generally make personal application, and then there is an opportunity to examine them.

Q. Do they go to the villages?—A. Yes, sir; they live in the villages, in the school-houses; that is, a little room is partitioned off for them. Sometimes they are 5 miles from any white settlers. There are white women in these villages who have lived there for months without seeing any white persons except the few employés.

Q. Do you visit them?—A. Yes, sir; those are the places I visit.

Q. How many children attend these schools?—A. The six schools will average about 130—a little over 20 to a school. Some of them have an average of 31 or 32, and the lowest is 15, I think, on the average.

By Mr. MORGAN:

Q. What is the amount of the appropriation for these schools?—A. I am unable to say; but my impression is that they are supported by the general appropriation.

By the CHAIRMAN:

Q. What salary do these teachers receive?—A. I pay the teachers $720 per annum.

Q. Have you any training or industrial schools?—A. No, sir; they are all day-schools. We have no training or industrial schools.

Q. I believe that certain religious denominations have certain agencies under their charge?—A. Yes, sir; the Lutheran Church had the Mission Indians in charge when that policy prevailed; but my understanding is that when Secretary Teller came into office he did not recognize that policy; and since then, so far as I have noticed, agents have not been appointed through the influence of the church. My appointment was recommended by Senator Miller, somewhat against my protest.

Q. Do any religious denominations attempt to do religious work at any of these agencies?—A. None; except that some Catholic priests occasionally visit the villages. When speaking about the schools, I said that there are no training-schools among the Mission Indians. If any Indians in the United States need such schools, it is these Mission Indians; but I am of the opinion that the children cannot be kept at school near home—they will run away. They should be taken to Carlisle or Hampton, or the schools should be built away from their homes.

Q. How far are you from Albuquerque?—A. That must be nearly 1,000 miles from here.

Q. There is an Indian school there?—A. Yes, sir; but it will be difficult to induce the parents to send their children so far. They would be willing to send them to San Diego or to school here at Los Angeles. I think they could be kept at school on or near the reservation, because they would feel at home, and I think that so far as practicable day-schools should be changed into training schools.

By Mr. MORGAN:

Q. Is there any form of tribal government among these Indians?—A. They have customs which they observe. They have captaincies by consent of the agent; the Indians select the men, and they come to the agent for a certificate of recognition as such; and they are usually good men too. They also have trials about small matters, and the agent does not interfere in such matters. The tribal relations of these Indians, speaking generally, do not exist in the sense in which they are understood elsewhere.

Q. I suppose they have some regulation by which petty offenses are punished by Indian authority?—A. Yes, sir; that is, as to offenses against each other.

Q. Do they have any arrangement as to the settlement of property matters between them?—A. I think they have some regulations of that kind, but yet the rules are not well defined. There is very little of that kind of business going on among them, because there are hardly any disputes among them. An Indian died leaving five or six houses, and he had a wife; under the laws of the State they would have gone to the wife, but they had an Indian trial by which they agreed that some Indian who was not nearly related to the deceased should have charge of the stock. I told them to decide the matter according to their own way. There was a time when they would kill the stockwhen an Indian died, but now they have gotten so far along that they don't destroy the property.

Q. Will you tell us what their rights are in making contracts?—A. The United States law forbids their making contracts except in certain formal manner to be approved by the Secretary and the Commissioner of Indian Affairs. They are making contracts always; and they were for a number of years living like white people.

Q. Do they ever resort to the California courts to assert their rights?—A. I have not known of a case.

Q. How would it be if an Indian committed an offense like homicide against another Indian?—A. Our State laws, I think, would take hold of it. The supreme court of Nevada decided that they had no jurisdiction over such matters, but I think our courts would take notice of it, because our Indians are different from others. It would be hard to say that they were living in a tribal condition, except that they have an agent. They make their own contracts for shearing sheep, chopping wood, &c., and they never come to me. I don't see why they should. They usually collect their own wages, too, and can, I think, collect them in the courts. I know if I write a white man a note he usually pays the wages.

Q. Would it be safe to abrogate the distinction between offenses committed by Indians upon one another and those committed by white men upon one another?—A. It would be the very thing to do; they ought to be under the jurisdiction of the State courts as to offenses. I cannot see any reason why they should not be a part of the masses of the people; they are civilized substantially.

By Mr. MORGAN:

Q. Under the treaty, if they were citizens of Mexico they are now citizens of the United States, and of California?—A. Yes, sir; because the treaty provides that if a person shall not elect within a year to be a citizen of Mexico he shall be considered a citizen of the United States.

By the CHAIRMAN:

Q. Are these Indians more addicted to the use of whisky than their white neighbors?—A. I would say that no larger proportion of them drink intoxicating liquors than the white people, but it ought to be added that their conduct when under the influence of liquor is so different that it would seem as if there were a great many more drunken Indians than white people; they become very noisy.

Q. Is there any intermarrying between whites and Indians?—A. I do not know of any by ceremony. There are white men who have taken up with Indian women and recognize them as their wives. These men are called squaw men.

Q. Does a squaw man with an Indian wife have any privileges that he would not have if he did not have such a wife?—A. They are recognized, I think, as members of the tribe. It depends upon what sort of a man the squaw man is. A good man they are glad to recognize.

Q. How do those of mixed blood compare morally with the full bloods?—A. They are of better morals, and I am inclined to think more intelligent.

By Mr. MORGAN:

Q. Why are these Indians called Mission Indians?—A. Because they are of that class of Indians who were under the charge of the old mission churches of California. We had a great many missions in this State, and they took in all the Indians they could get.

By the CHAIRMAN:

Q. They were Catholic missions?—A. Yes, sir; and at the time the church was secularized this mission property belonged to the churches, and when the missions were broken up these Indians who were connected with the church were thrown off to provide for themselves.

By Mr. MORGAN:

Q. Their relation to the church was that they were wards, was it not?—A. Yes, sir; I think so.

Q. Were these missions designated by boundaries?—A. They cultivated fields but I don't think those fields were inclosed.

Q. You don't know whether one mission was so confined as not to intrude upon the territory of another mission?—A. The missions were so far apart that no such conflict could arise.

Q. What distinction was there between these Indians and the other population we received from Mexico?—A. The distinction between them and the rest of the population was that those people were called Mission Indians.

Q. Since your acquaintance with them these Indians have been known as Mission Indians in contradistinction to the others?—A. Yes, sir; when the church was secularized thirty years ago the Government of the United States in dismissing the missions and receiving this population from Mexico under the treaty was bound to respect the character these people held under the Mexican law, and the rights of these Indians upon Spanish grants were respected as individual property by the Mexican Government and set apart in such a way as to pass as a sort of inheritance from ancestor to inheritor. I think they actually had a segregation of land which they occupied in families from generation to generation; and they now occupy those same lands. They recognize these rights among themselves; and I hear of no dispute among them.

Q. Do these lands descend from father to child?—A. Yes, sir; it is a recognized right.

Q. If there is anything you think of after we are gone we should be glad to hear from you as to the welfare of these Indians, or what is the best disposition to make of them so as to absorb them as soon as possible into the community, and enable them to take their place as citizens, and the United States be relieved of the expense and burden of taking care of them.—A. There is not so much need of it here as in other parts of the country, because these Indians come near self-support now.

By Mr. MORGAN:

Q. Have you discovered any aversion to holding land in severalty?—A. I have not.

Q. The nomadic Indians are averse to it?—A. I understand that.

Q. Also the civilized tribes?—A. Yes, sir. The Indians down about Banning, so far as I hear expressions of opinion, are anxious to have titles to land in severalty, and when I lecture them for not taking more land, and getting agricultural implements, they answer that they don't know when the reservation will be removed, and they have no title to the land they occupy. Until they can have a permanent foothold you cannot make a citizen homesteader of them. The two things, which, in my judgment, are needed above all other things, are title in severalty, either by the qualification of the executive order, so that they can take homesteads on the reservation, or by making the law of allotments apply to these reservations, and to educate them in occupation.

Q. What is their disposition as to the ownership of cattle, sheep, and horses? Do they like to own stock?—A. Yes, sir; but they had rather own horses than any other stock. They are rather fond of ponies; but some have good stock. One Indian in Coahuila Valley has 100 head of cattle.

LOS ANGELES, CALIFORNIA,
September 29, 1884.

Testimony of Welwood Murray.

Dr. WELWOOD MURRAY sworn and examined.

By the CHAIRMAN:

Q. What is your full name?—A. Welwood Murray.

Q. Where do you reside?—A. In Banning, San Bernardino County.

Q. Are you acquainted with the Mission Indians?—A. Yes, sir; I have lived ten years among them. I was for a long time resident physician and magistrate on the Colorado Reservation.

Q. What is the condition of those Indians?—A. They are in a semi-civilized condition.

Q. What do they do for a living?—A. They are employed chiefly by the whites, in various ways.

Q. What is their moral condition?—Their moral condition, for Indians, is good, but their sanitary condition is not the best, from the lack of proper medical attention.

Q. Have they any of the diseases that result from self-indulgence?—A. There is quite a good deal of that.

Q. Is it on the increase?—A. No, sir; it is on the decrease; considerably less of it than there was six or eight years ago.

Q. Are they an industrious people?—A. Yes, sir; they are generally industrious. They work for the white people and are quite expert in the cultivation of the vine.

Q. Do they save their earnings?—A. Many of them lay up their earnings.

Q. Have any of them farms of their own?—A. Probably a hundred of them have small allotments of land varying from 2 to 6 acres.

Q. What do they raise?—A. Mostly the vine is grown; some peaches and a little wheat. Many of them are very energetic and industrious.

Q. Would they desire to have land of their own?—A. I know every man of them and all have expressed a desire to have land of their own.

Q. How much land should each one have?—A. I think from 10 to 50 acres, according to the nature of the soil.

Q. If an Indian has his land in fee-simple would he keep it?—A. Yes, sir; they are very much attached to their homes.

Q. Is there any particular condition of things at Banning you would like to bring before the committee?—A. Yes, sir; there is this: There was a meeting of the people of Banning held a few weeks ago, at which I was appointed a delegate to see you gentlemen and secure your aid in obtaining a modification of the executive order of September 1, 1876, which set apart a certain township as a reservation; and these people desire to have this executive order modified as far as Banning is concerned. We have there a post-office, 247 population, and $247,000 worth of deeded land, in actual valuation to-day. There is not a resident Indian in the township, nor ever has been. The present condition of matters has the effect to depreciate the value of our property, and deprive us of the sale of that which we acquired before the reservation was put there. They applied to Mrs. Jackson and General Whittlesey to get them to use their influence in their behalf.

Q. Have they recommended it?—A. General Whittlesey said he would unquestionably recommend it. He said it was absurd to withhold this particular township from public entry. There is a large hotel at Banning, and many buildings in process of construction, and there is not an Indian in the township. The few sections in this township which are Indian land have no water, and more than half the township is mountain land. The entire water right of this country had been acquired many years ago by a corporation. The statute of limitations has given the people the right to use this water, and the Banning water company, with a large capital, are colonizing and selling of allotments of land to the people there, and it retards the progress of the place to have the executive order remain in force.

Q. Do they take the water which is on the Indian reservation?—A. Yes, sir; they take the water which is really on the Indian reservation.

Q. How do they get that water?—A. When I first came there, ten years ago, some gentlemen built a flume 40 miles in length to float wood to the new railroad which was then being built—a very large structure was built costing $30,000, and a good many thousand cords of wood was cut. I was appointed superintendent of that structure. I developed a great deal of water in the main mountain cañon for that corporation—probably 200 inches of water—and put it into the main flume, which they leased from an old resident who was first in time and first in right. This water privilege was sold two or three years ago to the company, who are now engaged in cutting up the land into lots and selling it to settlers.

Q. Where do these people get their title?—A. They get their title through the former owners. This was deeded land before the reservation was proclaimed.

Q. Well, sir, we will take your statement and lay it before the full committee.—A. The map, Mr. McCammon has already shown you, I believe.

The CHAIRMAN. Yes.

The WITNESS. With one exception, on the other townships there is no white resident who has any right to the land. He is the only one who was there before the proclamation was made. There are a great many settlers there. At the recent meeting there were thirty-two who were counted as squatters on the reservation; and they argued that there are only ten or twelve Indian families on one of the townships and the whites ought to have the land. I simply appear for the town of Banning.

Q. How far is that from here?—A. About 100 miles. You will pass it on the railroad. It is in a pass known as San Gorgonio Pass.

Q. How many reservations are there?—A. There are a good many.

Q. Have those you have visited any schools?—A. No, sir; they have no schools. I have visited them many times. There are a great many children, and they sadly need some schooling.

Q. Are they good workers?—A. I had rather have them than the white men. In pruning, in cultivating, and planting they excel, yet when we have them two or three weeks there will be an interregnum for one or two weeks, but we get them back again. My wife is a teacher in one of the schools. It has cost many hundreds of dollars to teach them, but when I have examined them it has seemed to me to be a waste of money. They are educated in the simple, common branches of English education, but it ought to be in some industrial pursuit. The girls ought to be taught to knit and bake, and the young men to sow and plant, to labor and become independent on their own reserves. They ought to be taught the occupations of every-day life. They could easily be taught mechanical pursuits. They have have a wonderful perceptive faculty when trained. I have had men in my employ who were most dextrous as carpenters.

Q. Are there any means by which the children could be taught occupations?—A. Not now, but if a school could be had where it would be in the center of the reservations there would be probably from 75 to 100 children who would go to it. I mean an industrial training school.

Q. What proportion of the Indians speak English?—A. Not one in ten speaks English. Nearly all the male population speak Spanish.

Q. Have they more than one wife?—A. No, sir; they are extremely strict in that regard. At a recent meeting in Aqua Caliente the sheriff took a man who had done some wrong to a woman, and the Indians ordered him punished themselves.

Q. Do they have any such things as courts among themselves?—A. Yes, sir.

Q. Would it be wise to punish them for committing offenses against each other, just as a white man would be punished?—A. Decidedly wise and expedient. I have convicted many of them of offenses the same as whites, and I know that since those convictions crime has been materially lessened. They understand legal proceedings very well; and are, generally speaking, sober, industrious people.

Q. Are they increasing in numbers?—A. It has been a matter of great doubt as to whether they are increasing in population or not, and in a conference with some of the leading and older members of the tribes, they seemed to think the increase is very slight.

Q. Are they anxious about the question whether they are going to lose their lands or not?—A. Yes, sir; they are full of anxiety. They think the pressure from the whites is so great that it is a question of time only when they will be deprived of every acre of their land.

Q. Do they understand what it is to own land in severalty?—A. Yes, sir; perfectly, and every one would like to be fixed in his own home. Every one has so expressed himself.

Testimony of Hon. Barclay Henley.

WASHINGTON, D. C., *February* 20, 1885.

Hon. BARCLAY HENLEY sworn and examined.

By the CHAIRMAN:

Question. Mr. Henley, where do you reside?—Answer. I reside at Santa Rosa, Sonoma County, California.

Q. What is your business?—A. I am an attorney-at-law and at present a member of the House of Representatives from California.

Q. Have you any knowledge of the occupancy of the Round Valley Reservation in California? If so, will you please state it to the committee in your own way?—A. I have looked over the testimony that has been taken by this committee in connection with the Round Valley Reservation, and it has occurred to me from my perusal of the testimony that I might furnish some information to the committee that would be pertinent to this investigation. In the first place, I hold in my hand the record of the suit commenced by the United States Government in 1872 to eject settlers that are occupying a portion of the mountain land of the Round Valley Indian Reservation. That suit was commenced under an act of Congress that authorized the appointment of a commission whose duty it was to tender to the settlers the appraised amount of their improvements, and upon their refusal to take this amount the United States district attorney was authorized to institute suit for their dispossession. The title of the suit is The United States *vs.* Fred Bourne and others. It is not necessary to give the names of the other defendants in that suit, but they are in the occupancy of the land. With the testimony given in reference to this matter heretofore, I want to give in brief the history of that suit. The commission authorized was, under the act of Congress, appointed, and they came to Round Valley. They were residents of Washington City; one had been a Congressman—that was Mr. Shanks. The law required them to make an appraisement of the value of the improvements of settlers upon this land, but in order to do this it involved a tedious horseback ride of some distance, and they did not go upon the ground and see the improvements of the settlers. I think they acted upon the representation of the agent as to the value of these improvements; at any rate, the appraisal they made of the improvements was not satisfactory to the settlers, and they considered the amount tendered was insufficient, and they refused to accept it. An action was then commenced in the United States circuit court against the settlers, and the case was tried by Judge Sawyer, and the Government was represented by the United States district attorney and his assistants. The case was decided in favor of the settlers, and they were, by decree of the court, left in possession, and they have remained in possession ever since. Under the instructions of the United States Government, the district attorney took the case to the Supreme Court on a writ of error; and last winter the case came up here. I was an attorney in the court below and also here, and prepared myself to argue the case before the Supreme Court, but after getting myself into a great state of perspiration over the matter, the Attorney-General came into the court and said he could find no error in the proceedings of the court below, and the judgment of the lower court was ordered to stand.

Q. Have you the opinion of the court below?—A. I do not know whether it is in the record or not, but I think you will find in the pamphlet I hold in my hand very full and elaborate evidence which will give the ground upon which the case was determined below. Gentle-

men, I am aware that this testimony was taken during the heat of the political canvass when I was a candidate for Congress, and I know just as well as if I heard it, that various propositions were made to the committee by my Republican friends to see if something could not be done which would be detrimental to me. The idea seems to have been in the mind of some of the committee, judging from some of the interrogatories, that persons who have entered upon unsurveyed land are trespassers. The United States Government in extending the act of 1841 over the State of California precisely makes subject to pre-emption surveyed and unsurveyed land. The Government invites settlers upon unsurveyed land. The improvements upon this land and the claim are assessed and taxed in California as any other property. If you have a claim fenced in and improvements on it the assessor taxes the improvements, and in addition he taxes your claim and estimates the chance of your holding it by homestead or otherwise. That is the system of taxation in California. At the time this reservation was enlarged the necessity for a reservation at all was diminishing every year, and it was apparent to everybody that it would not be many years before there would be no necessity for a reservation at all, and for some unknown purpose the reservation was enlarged to take in over 120,000 acres. This enlarged reservation included the improvements of a number of settlers who had gone out there and built houses, fences, &c., and had taken cattle and sheep upon this land for the purpose of acquiring in the course of time title to this land by pre-emption, homestead, or scrip, as the case might be, and this act of Congress recognized the fact that these settlers had rights there upon this land. They recognized the fact that these people having gone there and put improvements upon the land for the purpose of acquiring a title had rights and equities there. Therefore this Commission was created to appraise the improvements these parties had upon this reservation. I state this for the purpose of drawing attention of the committee to the fact that Congress has heretofore recognized the equities of these settlers. The law, if the committee desires to see it, is stated in the case of Sherman *vs.* Buick (93 U. S. Reports). Rather than give the statute, I simply point to the law.

Now, gentlemen, I want to state my connection with this land. George W. Henley was my brother. He died some years since. Long before this reservation was enlarged a gentleman named Gibson settled within the exterior limits of the enlarged reservation for the purpose of raising sheep and cattle. He associated with him my deceased brother. They constructed various improvements upon the land. The place is in the name of Mr. Gibson, and therefore, Mr. Gibson was a defendant in the action I spoke of, instead of my brother. I do not live in Round Valley, but in Sonoma County, California, which is 150 miles from Round Valley, but in time it takes three days' travel to get there from where I live. About my brother's association with Mr. Gibson I know nothing. Three years ago my brother died, leaving me two-thirds of his estate, and in that way I became connected with the ownership of these improvements, whatever that ownership may amount to. There has been some effort to show that Henley Brothers have fenced in some public land on this Round Valley Reservation. I do not know anything about that, but in order to inform myself accurately about this matter, during the last campaign, when I was in Round Valley, I inquired of Mr. Wiltsee as to whether George W. Henley and Mr. Gibson had ever fenced in any portion of the public domain. His reply was, "No, except a few acres around the house, but they have used the reservation fence as an inclosure to keep their sheep from straying"; and this statement of

Mr. Wiltsee I believe to be absolutely and wholly true. I have stated to the committee all I know about it. Mr. Gibson is now there in *statu quo*. The other settlers are also there, and they all think they have some equities upon this land, and they think they should not be dispossessed without some compensation, and claim that the tender made to them was grossly inadequate. Something has been said by some of the witnesses who testified before the committee about the value of this land. In the valley the land is worth from $20 to $50 an acre. Some of the witnesses testified that the mountain land is worth from $5 to $8 an acre. These witnesses all spoke with reference to land that is entered.

Q. What do you mean by that?—A. Well, sir, you take a range of 10,000 acres, and there will be one-third or a half of it that is brush that nobody wants, and it is not entered, but the portion that they do enter will be worth in some places what has been stated. Now, to illustrate that—south of Round Valley, and on both sides of the Eel River, there is a piece of land belonging to the estate of a Mr. Freedman. He entered 12,000 acres himself, and perhaps about eighteen months ago we conceived the idea of purchasing that range, and we made some calculations as to the number of sheep it would feed and the amount of interest it would yield on the money we invested. We found that we could not afford to give $1.25 an acre for it, taking it all through, but we offered to give that much for two-thirds of it. That offer was rejected. That land is no better or worse than the reservation which is in the occupancy of these settlers. So, as a general proposition, this mountain land, except about Humboldt Bay, taken in a compact form, is not worth more than $1.25 an acre. An inquiry was made as to whether this land in the occupancy of these settlers, Gibson and Henley, is taxed or not. Of course it is not taxed, but I presume that that question has been answered heretofore by what I have stated.

Now I want to say something about a proposition that is pertinent to this inquiry, and that is as to the policy of the Government in reference to these Indians. The Coke bill, which allots land in severalty, meets my entire approbation. I think that the most successful attempt ever made in California to civilize the Indians has been made in Round Valley, on our ranch. Perhaps you noticed, to the left of the road as you passed our house, fifteen or twenty cabins. In those cabins you will find beds, fireplaces, and you will find chickens running around the house, and also fruit trees in front of the house, but as far as the fruit is concerned we permit the Indians to take the fruit from our orchard. These cabins are the winter quarters of the Indians. During the summer time they move into the valley, and there they raise their corn and "truck," as the Missourians say.

Q. What title have they to this land?—A. They have no title to it; it is on our ranch, to which we obtained title after this land was thrown open to settlers. I think we pay the Indians on our ranch more than any white laboring men get on this side of the continent. We pay them from $20 to $25 a month, and there is one man to whom we pay $40 a month. We pay these wages to the Indians and give them their food. If you keep liquor from these Indians they are very good workmen and are very trustworthy, but the baser element of the white people sell them liquor and then they get to fighting and have all sorts of trouble.

Q. Are they as good laborers as the white people?—A. Yes, sir; some of them are as good as white farm hands. Their progress in the last fifteen years has been such that if any one had told me that such would be the case, I would have received it with a great deal of skepticism.

Q. You employ Indians upon your ranch?—A. Yes, sir; most of our labor is Indian labor. I wish to state further that there is a witness named Handy employed on the Round Valley Reservation. I want to indorse right here the expediency of his plan of civilizing the Indians.

Q. You approve of his scheme?—A. Yes, sir.

Q. What amount of territory do you understand, under the laws of California, each one of these men could claim as a settler on which he could get the value of the improvements if he was obliged to move as that statute requires?—A. He could only pre-empt 160 acres and homestead 160 acres of this land; but he might acquire as much as he chose to if he could get the scrip.

Q. Do you understand that since the passage of the statute of 1873 any one can acquire a new title there within the limits of the reservation?—A. I think not; because I understand that the order extending the limits of the reservation suspended all further entries upon the land. No man could claim any equities after that, because if he entered upon this land he would do so with his eyes open.

Q. What is your understanding of the nature of the title these men have since that suit was decided?—A. It left them *in statu quo.*

Q. Suppose the United States should provide some new method of ascertaining the value of the improvements of these parties and should pay for them, from that time would they have any right to stay there?—A. They could set up no claim after that—none in the world.

Q. How do you understand that they claim to have enlarged it into sheep ranges?—A. They have not done so that I know of.

Q. How do they keep so many sheep on it?—A. They went there and built their houses and corrals, and took as many sheep as they could pasture, and those sheep have occupied a certain amount of range, but there has been no enlargement.

Q. If they were settlers laying claim to only 160 acres as pre-emption, and 160 acres homestead, how could they keep upon this land any such number of sheep as they now have?—A. They would not be able to do it except by scrip locations. When these parties went upon this land and made their improvements their intention was to acquire a title to the land.

Q. I understand that the statute went upon the ground that they were honest settlers upon this land which they expected to obtain a title to when the proper land offices were opened, and that the United States recognized the equity of such a claim?—A. That is so.

Q. Do you understand that their occupancy was confined to the limits of the pre-emption and homestead claims?—A. Yes, sir; but they occupied this land because nobody else did.

Q. Would you abolish the reservation entirely, and leave no land there for the Indians?—A. I would abolish the reservation, and do not think there is any necessity for retaining any portion of it except that in the valley, and I think that is the testimony of the majority of the witnesses.

Q. What would you do with this valley land?—A. I would allot it in severalty to the Indians and make it absolutely inalienable.

Q. How much land would you allot to a head of a family?—A. Mr. Handy, who has been on the reservation a long time, stated, if I remember his testimony correctly, that 20 acres would be sufficient.

Q. Do you think that is enough?—A. Yes, sir; I think so. The valley land is of extraordinary fertility.

Q. One man, who told me that he had been a justice of the peace there for years, told me that the valley land, outside of the reservation

was worth from $30 to $100 an acre.—A. I think that witness must have been speaking in reference to Ukiah Valley.

Q. He did not testify; he was only talking to me about it. Do you think 20 acres would be enough for the head of a family?—A. Yes, sir.

Q. What provision would you make for the children?—A. I do not think the increase of population would be such as to require more.

Q. Would you reserve any portion of the reservation for future exigencies?—A. I would reserve a few hundred acres, perhaps.

Q. How would you dispose of the upland on the reservation?—A. One way would be to throw it open the same as any other land in the public domain; another way would be to sell it in certain quantities for the benefit of the Indians.

Q. Suppose you were looking entirely after the interest of the Indians and the Government?—A. If I were looking out for the welfare of both the Indians and the Government I should say the land ought to be sold.

Q. In what manner would you offer it for sale?—A. I would sell it at auction after it was appraised and a minimum fixed.

Q. In what quantities would you sell it?—A. I think we could realize the most for the Indians and for the Government by selling it in 640-acre sections.

Q. You think 640 acres would be about the right quantity?—A. Yes, sir; and for the reason that you cannot find 640 acres of good land in a compact body—a great deal of it consists of chaparral or impenetrable brush.

Q. Is not that capable of being brought into use?—A. No, sir; the land I speak of is that portion to be found on the sides of rugged and precipitous cañons.

Q. What plan would you recommend by which to dispose of these settlers?—A. I do not know of any way to dispose of these claims, except by appraisement.

Q. Do you understand that the judgment in the suit you described gave these parties any permanent title to this land?—A. No, sir; I do not think that anybody can claim that that judgment invested the settlers with any legal rights at all.

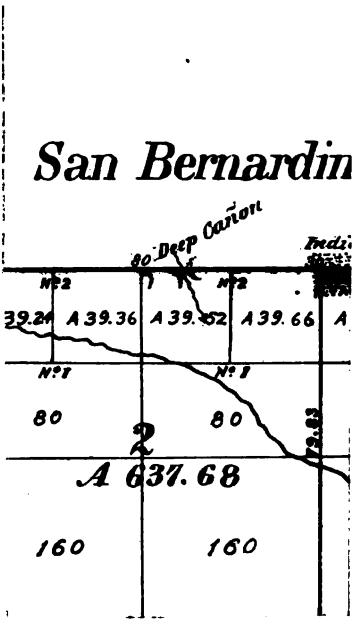
By Mr. MORGAN:

Q. Would it not be a good plan to make the title to these lands inalienable for twenty-five years, and at the expiration of that time to have some one designated by the Government to determine the capacity of an Indian to take the fee?—A. It would not be a bad idea.

I would like to state to the committee that I have known the agent at Round Valley, when he got notice that an inspector was coming to the agency to examine and report upon the condition of things there, and the number of Indians upon the reservation, &c., to send to the coast and drag Indians from the saw-mills, where they were making $30 per month, and carry them to Round Valley for the purpose of making a show.

Q. Are you acquainted with the Indians in Southern California?—A. Yes, sir; and I think the Indians in Northern California are more disposed to work than those in the southern part of the State. The Indians in Southern California are more disposed to roam about on horseback. They are more nomadic than the Indians in Northern California.

Q. Have you any knowledge of how the Indians in Round Valley have been enabled to earn money by hop-picking and the like?—A. I know there is a great demand for their labor. The hops of Round


San Bernardin
Deep Cañon
No 2
No 2
39.24
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No 1
80
80
2
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160
160

Valley are celebrated for their excellence, and the crop is increasing every year, and every available Indian during the hop-picking season is brought into requisition. They make $2, $3, and $4 a day during the picking season.

Q. How long does the season continue?—A. About a month.

Q. Do you think they have the capacity to raise hops themselves and to go through with the process of taking them to market?—A. I do not think these Indians in Round Valley could be safely trusted in the cultivation of the hops without some kind of supervision; but they do raise corn and garden truck and everything of that kind.

Q. How many pounds are there in a bale of hops?—A. I do not know; but I know that hop-raising is highly profitable in a good year.

I stated in the early portion of my testimony that as to the fencing of this land by Henley & Gibson I knew nothing; and I believe that I further stated that I had no further connection with this whole matter than what I have already stated. I desire to state now that I do not make this disclaimer because I believe that Henley & Gibson have done anything wrong, or to relieve myself of any odium. My brother is dead, and I do not think that he did anything more than was right.

APPENDIX.

DEPARMENTT OF THE INTERIOR,
Washington, August 27, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of 19th instant, informing this Department that, under the direction of the Senate, the Committee on Indian Affairs would soon visit Round Valley Agency, California, and the Indian Territory.

In response to your request for suggestions as to investigation, I inclose certain papers from the Office of Indian Affairs relating to the Round Valley Reservation in California.

Further matters will be communicated if you will kindly furnish an address to which papers may be forwarded, as memoranda is now in preparation in the Indian Office for the use of the committee.

An order addressed to the Indian agents, similar to that furnished to the committee on a previous occasion, is also herewith inclosed.

Very respectfully,

M. L. JOSLYN,
Acting Secretary.

Hon. H. L. DAWES,
Chairman Senate Committee on Indian Affairs, Pittsfield, Mass.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, August 27, 1884.

SIR: I have the honor to acknowledge the receipt by Department reference, for early report, of a communication from Hon. H. L. Dawes, dated August 19, 1884, in which he states that the Senate Committee on Indian Affairs is about to visit the Round Valley Indians in California, and afterwards in the Indian Territory, and states that if you can make any suggestions to them as to any of their investigations that will tend to aid them, or render the result more profitable, you will do the committee a favor.

In response to this request I have the honor to submit for the information of the committee a statement showing the history of the establishment of the Round Valley Indian Reservation, and the trouble arising from settlers thereon claiming rights under the "swamp act" or other sources.

The facts relating to the selection of this reservation are set out in office report dated January 29, 1872 (H. R. Ex. Doc. No. 224, Forty-second Congress, second session), from which it appears that Round Valley was first selected for Indian purposes by Superintendent Henley, in 1836, and in letter addressed to him from this office dated November 18, 1858, he was, by order of the Secretary of the Interior, directed to give public notice that the entire valley was set apart and reserved for Indian purposes.

In letter dated January 6, 1860, from this office to the General Land Office, after reciting the facts in regard to this reservation, it was stated that they were deemed sufficient to show that Round Valley had been duly set apart and recognized by the Department as an Indian reservation, and the Commissioner of the General Land Office was therefore requested to respect the same upon the books of that office, and notify the local office in California accordingly.

May 3, 1860, the surveyor-general of California, acting under instructions from the General Land Office, reported a survey of the boundaries of said reservation.

In a communication dated June 21, 1860, the General Land Office inclosed to this office a plat of said survey, certified by the surveyor-general of California, under date of May 4, 1860, showing the reservation to be situated partly in townships 22 and 23 north, of ranges 12 and 13 west, of the Mount Diablo meridian, and to comprise 25,030.8 acres.

On the 27th of October, 1863, an appraisement of the claims and improvements of settlers in this valley was reported, the value of the same being placed at $75,000.

By the act of Congress approved April 8, 1864 (13 Stats., 39), it was provided, "That there shall be set apart by the President, and at his discretion, not exceeding four tracts of land within the limits of said State (California), to be retained by the United States for the purpose of Indian reservations."

It was also provided that if it was found impracticable to establish the reservations contemplated, without embracing improvements made within their limits by white persons lawfully there, the Secretary of the Interior be authorized to contract for the purchase of such improvements, but that no money should be paid until the valuation had been approved by Congress, and an appropriation made therefor.

It was further provided that such reservations might include any reservations theretofore established, in which case the same might be enlarged by the President.

An appraisement of the improvements of settlers in the valley was submitted to this office by Superintendent McIntosh, December 27, 1869, amounting in the aggregate to $109,555.

He also transmitted, February 18, 1870, the field-notes and plat of survey, showing the proposed boundaries of the Round Valley Reservation, as extended to the summits of the surrounding mountains.

The executive order for such enlargement was given March 30, 1870, but no allusion was made to settlers or their improvements.

On the 23d of October, 1871, the Attorney-General of the United States gave directions to the district attorney for California to institute proceedings against all persons within the valley in all cases where he should be of the opinion that action for trespass could be maintained.

The act of Congress approved March 3, 1873 (17 Stats., 633), provided, "That all that portion of the Indian reservation in Round Valley, California, which lies south of the township line running east and west between townships twenty-two and twenty-three north of ranges twelve and thirteen west of the Mount Diablo meridian be, and the same is hereby, restored to the public lands of the United States, and the Secretary of the Interior shall cause the same to be surveyed and offered for sale in legal subdivisions, at not less than one dollar and twenty-five cents per acre: *Provided*, That the improvements owned by persons on the lands hereby restored before the passage of this act, shall be the sole property of such persons; * * * *And provided further*, That the proceeds of the sale of the lands hereby restored, or so much thereof as may be necessary, shall be used to pay the improvements and claims of settlers now residing within the limits of the new reservation created under this act, and for improvements of Indians on lands hereby restored to the public lands, after such improvements shall have been appraised and the appraisement approved as hereinafter provided."

The second section defined the southern, eastern, and western boundaries of the reservation, and provided for the appointment of three commissioners to establish the northern boundary. It also directed that these commissioners should make an appraisement of all improvements of white persons north of the southern boundary of the reservation as established by the act, and authorized the Secretary of the Interior to pay for these improvements out of the money reserved for that purpose by the first section of the act.

The third section directed the President to cause to be withdrawn from sale or entry all the land lying within the boundaries described by the second section and the northern boundary as fixed by the commission, when approved, and required all settlers within the limits of the reservation to remove therefrom as soon as they should be paid for, or tendered the amount of the appraised value of their improvements.

On the 8th of April, 1873, the President issued an order withdrawing from sale and entry the lands described in the third section of the act of March 3, 1873.

On the 21st of March, 1873, the Department designated Hon. J. P. C. Shanks, Charles Marsh, and J. L. Burchard a commission to make the appraisement of the improvements and to fix the northern boundary, Hon. B. R. Cowen being afterwards substituted for J. L. Burchard.

On the 1st of November, 1873, this commission submitted a report of their appraisement of the improvements, with their recommendations as to the establishment of the northern boundary of the reservation (see H. R. Ex, Doc. No. 118, Forty-third Congress, first session), which was approved by the Department August 4, 1874.

On the 18th of May, 1875, an executive order was issued defining the boundaries of the reservation in accordance with the act of March 3, 1873, and the report of the commission.

By executive order of July 26, 1876, the land embraced in the military reservation known as Camp Wright was reserved for the use and occupancy of the Indians of this reservation, making its area 102,118 acres. (The outboundaries of the reservation were surveyed in December, 1876, and January, 1877, and approved January 17, 1877.)

would do much of the work themselves if the lumber was provided. The Indians are sadly in want of privies. Lumber should be issued for that purpose at once. This leads to the

SANITARY CONDITION OF THE RESERVATION.

The sanitary condition of the reservation is miserable. For sanitary reasons the Indians should have privies *without pits*. A privy should be constructed at the guard-house or prison. Several Indians spoke to me about this matter, and I was glad to see the sentiment of the Indians in this respect.

They are inclined to be cleanly and modest in regard to such matters, and they should be encouraged.

The grounds about the agency buildings were open to the hogs; they slept in the sheds, and kept the grounds about the school-house in a filthy condition. I suggested a correction of the hog nuisance while there, and it was promptly acted upon by the agent.

Unsightly rubbish is allowed to collect all about the buildings. I was sorry to find that neither the agent nor the physician was alive to strict sanitary rules, necessary alike for the health, appearance, and cheerfulness of the grounds of the reservation.

AGENCY BUILDINGS.

The buildings upon the reservation are in want of repairs. Porches are rotted away. Buildings are ready to tumble down at the "Odell Place." The granary at headquarters is very weak. A general repair is required all over the agency.

There is great need here of some hospital accommodations. I recommend the erection of a small hospital building, with as little machinery as possible, for the temporary care of the sick; to have connected with it suitable quarters for aged Indians—for those old, feeble, decrepit Indians who have no one to look after them, no friends particularly interested in them.

There is no charity so remunerative as the provision of good care for the helpless. That old Indians need more care than they have there is no doubt in the world. I visited James Fairley, an old Indian who had been lying on his couch well onto a year; he was absolutely helpless, unable to feed himself, and unable to sit up, or even to raise up, without aid.

An old piece of blanket and his coat lay on an otherwise uncovered mattress, which was old, hard, packed, and unyielding. Upon this bed the feeble, sinking man was confined, his naked form only partially covered with a dirty blanket.

I raised the under blanket and coat when a most revolting sight met me. The mattress was sour, filthy, damp, and mildewed from decaying vomit and urine. And this sick man lay within a stone's throw of the agent's house, and so near the agent's Sunday service that the poor man could catch the sound of what must have come to him as a meaningless, soulless, Godless worship. In the same room lay a sick woman, confined to bed three or four months. Complaint was made to me that the agent had not visited these sick people, that the doctor's visits were rare. It was at all events left to a special agent to direct a change of mattresses, to provide a vessel with ashes for the sick to spit in, instead of on the floor, to tidy up the room, and to pitch the half-filled, stinking tin urinal out of doors.

I think these Indians should have been in the hospital. At the Cheyenne and Arapahoe Agency I found a boy very sick with pneumonia. The only bed for him was in the room common to all the boys. His bed was drawn near the stove, and he was in the midst of the bustle and noise of the children, almost defeating the work of the physician, and the children, on the other hand, were subjected to overheated air, unusual to them, and the enervating atmosphere of the sick-room.

The demand for some unpretending hospital arrangements suggested itself there, and they seem essential on many of the Indian reservations.

I earnestly recommend your consideration of the matter of hospitals, and at this time ask that directions may be given to the Round Valley agent to submit a plan for a small hospital which may be added to as occasion requires. A building doubly boarded could be erected without laths and plaster, and quite inexpensively, as the lumber is right there on the ground.

HOPS.

The hops, product of Indian labor, have been sold through a commission house in San Francisco, the proprietors having the matter entirely in their own hands, and they have been entirely irresponsible and entirely unaccountable. The sale of the reservation hops has been conducted in a very slip-shod manner.

Now, as the agent is so far removed from San Francisco, practically cut off from the market, three days removed even by telegraph, out of business channels and beyond the current of trade, I very urgently recommend that the future sale of hops be

conducted by the Department's forwarding agent at San Francisco, who shall be held accountable to the honorable Commissioner directly for the disposition of the crop, depositing proceeds of sales with the assistant treasurer to the credit of the Indian agent, of which he shall be duly advised.

THE INDIANS.

The Indians at Round Valley are in a prosperous condition, and yet, compared with their condition some years ago, they are really not so well off as formerly. They have steadily decreased numerically; disease has done its share of the work. But there are many who have left the agency from discontent who would be glad to go back.

A fine opportunity is offered the new agent to bring in these Indians, and with a wise policy the future is bright for this reservation.

The Indians at Round Valley are naturally modest and reticent; they are reluctant to press themselves forward, but when an opportunity is given them, they talk well and intelligently.

I was surprised at their dignified bearing. They criticised the operations of the agency without mercy; and yet I did not hear one word spoken in passion; not a disrespectful epithet passed their lips; nor did they ask for anything but fair play.

They have been kept at a distance when they should have regular opportunity for conference. A matter of this kind ought to suggest itself to the agent, but as it did not, and as the Indians have no such opportunity, I recommend that the Round Valley agent, when appointed, be directed to set aside a part of a day every month for conference with the captains of the different tribes and others, together or singly, upon subjects in which they are interested. These Indians speak English well; they are good, earnest, intelligent, thoughtful men, and they deserve generous consideration.

CONCLUSION.

The field of my report was changed, and the secondary and incidental part of the visit to Round Valley has been made its prominent feature, by the summary closing of the investigation.

Every point mentioned, however, is important, and *all* the branches of this agency require careful thought and the closest, most searching attention.

In closing I desire to acknowledge the patience and gentlemanly bearing of the employés toward me through this trying ordeal, including the agent himself, and not least, by any means, the manliness of the Indians.

I am sir, very respectfully, your obedient servant,

PARIS H. FOLSOM,
Special Indian Agent.

Hon. HIRAM PRICE,
Commissioner of Indian Affairs, Washington, D. C.

OFFICE INDIAN AFFAIRS,
San Francisco, December 6, 1867.

SIR: In compliance with a request in your letter of June 6, inclosing a copy of a contract between Bishop Amat and Lewis V. Bogy, late Commissioner of Indian Affairs, concerning the education of the Mission Indians and repairing the old Mission buildings at Pala, I beg leave respectfully to report that I received your letter late in July, when my time was wholly occupied with the reservations in the northern part of the State, and with office business connected therewith. I made diligent inquiries, however, and ascertained that Bishop Amat was absent from the State and that nothing had been done by him toward the repairs mentioned in the contract. I believe he is still absent, but is expected to return soon.

I was informed by Manuellito Cota, head chief of all the Mission Indians, who resides at Pala, that with the assistance of Padre Sanchez and the Indians he had so far built up and improved the old church that they had frequently held service therein; but recently the good padre had been recalled and was no longer allowed to visit the Indians at Pala. Much more might be done to advantage, not only to repair the church and Mission buildings but also to repair the zangas, vineyard, orchard, &c.

Most of the labor can be performed by the Indians if they are well fed and clothed and materials, tools, and teams furnished them, with a good overseer.

I visited Pala, Temecula, San Luis Rey, San Pascuel, and nearly all the Mission Indians in Los Angeles, San Bernardino, and San Diego counties last month, in company with J. Q. A. Stanley, acting special Indian agent, stationed at Los Angeles. At my request Mr. Stanley made a brief statement in writing relative to Pala, a copy of which I herewith inclose for your information.

The lands heretofore and for many years cultivated by the Indians at Temecula have nearly all been taken away from them by white men (squatters) who have no legal right to them. I am informed that some gentlemen in San Francisco and Santa Barbara have a confirmed grant which has been so surveyed as to cover all the valuable lands in Temecula Valley that were supposed to belong to the Indians. I presume, therefore, these Indians will ultimately be obliged to leave. Pala is only about 15 miles from there, and the Indians would be very willing to go to that place if they could have any guarantee that they would there be allowed to cultivate the soil in peace. There are still about four hundred Indians, men, women, and children, at Temecula, and perhaps as many at Pala and the immediate vicinity.

At Santa Ysabel and San Pasqual there are some six hundred. All these and many more in the adjacent country are of the same religion and speak the Spanish language, and many of them speak pretty good English. They would get along peaceably together under proper management. There is quite sufficient arable and irrigable land at Pala and in the valley of San Pasqual to subsist all the Mission Indians, besides about nine hundred "Cahuillas," who are but half civilized and are now roaming through the San Bernardino and San Jacinto Mountains without a home.

These Indians formerly lived at "San Timotis" and cultivated rich lands which their fathers had cultivated before them; but some five years ago many of them died of small pox, the balance became alarmed and fled to the mountains for temporary relief, but with no intention whatever of abandoning their long cherished homes and the graves of their fathers. Frontier settlers, who are ever on the track of the red man, immediately took possession of their lands and cultivated fields, burned their rancheros and have ever since peremptorily refused to allow the "Cahuillas" to return to their old homes. Many of these Indians are old and helpless, stricken with disease and disappointment. The younger and more healthy are becoming demoralized and sometimes troublesome, by their contact with roving bands of Mojaves and Chimehuevas. It is difficult to do much for them unless they can be gathered upon a reservation and set to work under the immediate care and supervision of a suitable white man. For more specific information relative to these Indians, I would respectfully call your attention to the able report of J. Q. A. Stanley, acting special Indian agent, dated November 9, 1865, a copy of which is on file in your office.

The Indians at San Pasqual Valley are supposed to number about 300, and they claim that the entire valley, about 3 miles long and nearly a mile wide, was given to them when the Missions were secularized. One of the old chiefs showed me an old smoky certificate to that effect, purporting to have been written and signed by one of the officials under the Mexican Government. Many of the native Californians, Don Juan Forster, and other old European and American settlers corroborate this statement. The San Pasqual Indians have been in possession of the entire valley and cultivated a considerable portion of it for sixty or seventy years.

Recently one American, three or four Sonorians, and as many native Californians have moved into the valley and taken possession of some of the best of the land. These intruders are selling liquor to the Indians and trading with them. They have already got away most of their oxen and other cattle, horses, grain, beans, and other property. The chiefs and captains complain bitterly of the demoralizing effect of the whisky traffic among them. There are but few of them who have teams left with which to cultivate the ground and put in a crop for the ensuing year.

I would respectfully recommend that the San Pasqual Valley be withdrawn from sale and set apart for the use of the Indians now there and such others as may be gathered in from Santa Ysabel and the surrounding country, and that it be made and considered a part of a reservation to be established at Pala for the Mission Indians.

The Superintendent of Indian Affairs should be fully empowered to proceed summarilly to dispossess trespassers upon Indian lands or reservations. And he should be authorized to call for military aid in such cases, as well as to restrain traffic in liquor among the Indians. The traffic follows the trespass as night the day. Both should be prevented if we would maintain peace and promote civilization and religion. Local tribunals are often established in border settlements and magistrates elected by the very men who commit these trespasses upon Indian reservations; the department of Government in charge of reservations is completely ignored, and the rights of Indians disregarded.

I would, in conclusion, respectfully suggest that all that portion of the rejected claim of the Mission San Luis Rey called "Rancho of Pala," together with that portion of the rejected rancho called "Comajaby-Paloma," known as Paloma, also the whole of the valley of "San Pasqual," be immediately withdrawn from sale by the proclamation of the President of the United States, and set apart for Indian purposes, and that a law of Congress be passed as early as practicable giving the Superintendent of Indian Affairs authority to break up and abandon Smith River Indian Reservation and establish a reservation for the Mission Indians in accordance with the recommendation herein contained.

I herewith inclose a draft of a bill which I think would meet the necessities of the

case, and would thank you for a careful examination of its provisions and for any alterations or suggestions you may see fit to make, and will be obliged if you will be kind enough to call the attention of some energetic member of the California delegation in Congress to this matter and request his co-operation and that of his colleagues to carry out such of my views as you approve.

If you should not see fit to approve of the establishment of a reservation at Pala, I would most certainly feel it my duty to suggest that the contract between Bishop Amat and the late Commissioner Bogy be annulled. But if such a reservation can be established for the Mission Indians I will be most happy to co-operate with the Rev. Bishop Amat and the Commissioner of Indian Affairs in their laudable efforts to educate the younger portion of this class of Indians in California, and to repair the church and mission buildings in aid of that humane object.

Pala was only a dependence of the grand old mission of San Luis Rey, and was not confirmed to the bishop, as were the church, cemetery, orchard, &c., at San Luis Rey.

The former is 17 miles from the latter place, and is unquestionably Government land.

Pioche Bayerque and others claimed the Mission lands of San Luis Rey to the extent of about 100,000 acres under a pretended purchase from Governor Pio Pico near the close of Mexican rule in California. If that claim had been confirmed it would have included the Mission buildings at Pala and some portion of the arable lands we desire for a reservation. But it was rejected by the Supreme Court of the United States, and the claimants have no legal or equitable claim to Pala. They were never in possession nor did they ever make any improvements.

I am informed that they intend to apply for detached portions of San Luis Rey, taking in all the arable land and watering places, leaving out the greater part of this great claim as worthless. By taking all the best land and water they would effectually shut pre-emptors out and thereby gain the whole 100,000 acres as a range for stock, and it is very likely they would extend their survey to Pala, if they thought the Government would buy it back for an Indian reservation. This application will be made by Pioche and others, through the land office, under the provisions of the seventh section of an act of Congress passed July 23, 1866, entitled "An Act to quiet land titles in California."

The only possession the claimants ever had to any part of the Mission lands of San Luis Rey, was simply to authorize a neighboring ranch-owner to look after the Mission and protect it. This he did by allowing his own cattle free range (which they had before) from his own ranch to San Luis Rey. He also dismantled the old Mission church and hauled away several hundred loads of timber, brick, and tile to embellish his own place.

I herewith inclose you a rough sketch of Pala; also a sketch of the valley of San Pasqual. These two places and Santa Ysabel form a triangle on the map, and are about 15 miles apart. They are the most central points for the congregation of all the christianized Indians in the southern part of the State. These Indians are now scattered over a large area, owing to their neglect and the dilapidated condition of the missions. The unchristianized Indians within my superintendency extend eastward to the Cabeson Valley and southward to the Colorado.

Many of the latter can be brought in and taught the arts of industry and civilization if suitable preparation can be made for them, which I humbly pray may be done as early as practicable.

I am, sir, very respectfully, your obedient servant,

B. C. WHITING,
Superintendent Indian Affairs, California.

Hon. N. G. TAYLOR,
Commissioner of Indian Affairs, Washington, D. C.

EXECUTIVE MANSION, *September* 29, 1877.

It is hereby ordered that the following-described lands in California, to wit, all the even-numbered sections and all the unsurveyed portions of township 4 south, range 4 east; township 4 south, range 5 east, and township 5 south, range 4 east, San Bernardino meridian, excepting sections 16 and 36, and excepting also any tract or tracts the title to which has passed out of the United States Government be, and the same hereby are, withdrawn from sale and settlement and set apart as a reservation for Indian purposes.

R. B. HAYES.

EXECUTIVE MANSION, *August* 25, 1877.

It is hereby ordered that the following lands in California, to wit, all the even-numbered sections and all the unsurveyed portions of township 2 south, range 1 east;

township 2 south. range 2 east; township 3 south, range 1 east, and township 3 south, range 2 east, San Bernardino meridian, excepting sections 16 and 36, and excepting also all tract or tracts the title to which has passed out of the United States Government be, and the same hereby are, withdrawn from sale and settlement and set apart as a reservation for Indian purposes.

R. B. HAYES.

EXECUTIVE MANSION, *May* 3, 1877.

It is hereby ordered that the following lands situate in California, viz, township 10 south, range 1 east, sections 16 and 36, San Bernardino; township 7 south, range 2 east, section 36; township 14 south, range 2 east, section 36; township 11 south, range 3 east, section 36; township 9 south, range 2 west; north half of northeast quarter, section 33, being lands withdrawn from the public domain for the Mission Indians by President's order of December 27, 1875; also the following: township 2 south, range 1 east, section 36; township 7 south, range 8 east, section 16, being lands withdrawn by President's order of May 15, 1876, for the same purpose be, and the same are hereby, restored to the public domain.

R. B. HAYES.

EXECUTIVE MANSION, *May* 15, 1876.

It is hereby ordered that the following described-lands in San Bernardino County, California, viz:

Portrero: Township 2 south, range 1 east, section 36.

Mission: Township 2 south, range 3 east, sections 12, 13, and 14.

Aqua Calienta: Township 4 south, range 4 east, section 14, and south half of southeast quarter and northeast half of section 22.

Torros: Township 7 south, range 7 east, section 2.

Village: Township 7 south, range 8 east, section 16.

Cabezons: Township 7 south, range 9 east, section 6.

Village: Township 5 south, range 8 east, section 19.

Village: Township 5 south, range 7 east, section 24, be, and the same hereby are, withdrawn from sale and set apart as reservations for the permanent use and occupancy of the Mission Indians in Southern California, in addition to the selections noted and reserved under Executive order dated December last.

U. S. GRANT.

MISSION INDIAN RESERVE.

EXECUTIVE MANSION, *December*.

It is hereby ordered that the following-described lands in the county of San Diego, California, viz:

Portrero: San Bernardino base and meridian, including Rincon, Gapich, and La Joya, township 10 south, range 1 east, sections 16, 23, 25, 26, 30, 31, 32, 33, 34, 35, 36, and fractional sections 17, 18, 19, 20, 21, 22, 27, 28, and 29.

Coahuila: Township 7 south, range 2 east, sections 25, 26, 27, 28, 33, 34, 35, and 36; township 7 south, range 3 east, sections 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35; township 8 south, range 2 east, sections 1, 2, 3, and 4; township 8 south, range 3 east, sections 2, 3, 4, 5, and 6.

Capitan Grande: Township 14 south, range 2 east, sections 25, 26, 27, 34, 35, and 36; township 14 south, range 3 east, sections 31 and 32; township 15 south, range 2 east, sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; township 15 south, range 3 east, sections 5 and 6.

Santa Ysabel: Including Mesa Grande, township 11 south, range 2 east, south half of township 11 south, range 3 east, sections 25, 26, 27, 28, 33, 34, 35, 36, and fractional section 13; township 12 south, range 3 east, sections 1, 2, 12, and fractional sections 3. 4, 10, 11, 13, and 14.

Pala: Township 9 south, range 2 west, northeast quarter of section 33 and north half of the north half of 34.

Aqua Calienta: Township 10 south, range 3 east, southeast quarter of section 23, southwest quarter of 24, west half of 25, and east half of 26.

Syenan: Township 16 south, range 1 east, section 13.

Maja: Township 13 south, range 3 east, northeast quarter of section 35.

Cosmit: Township 13 south, range 3 east, north half of northeast quarter of section 25, be, and the same are hereby, withdrawn from sale and set apart as reservations for the permanent use and occupancy of the Mission Indians in Lower California.

U. S. GRANT.

ROUND VALLEY RESERVE.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 30, 1870.

SIR: I have the honor to transmit herewith a communication dated the 4th instant from the Commisioner of Indian Affairs, and accompanying papers, map, &c., recommending the enlargement of Round Valley Indian Reservation in Mendocino County, California, to the extent indicated by the Commissioner, and as delineated on the said map. I concur with the Commissioner in the opinion that the Indian service in California requires that all of "Round Valley" be reserved for Indian purposes, and have the honor to request that said valley be set apart as an Indian reservation, as the same is enlarged in accordance with the report of Superintendent McIntosh, plat, field-notes, and schedule of lands, marked A, B, and C, which are herewith inclosed.

With great respect, your obedient servant,

J. D. COX, *Secretary*.

[Office of the Superintendent of Indian Affairs, California.]

SAN FRANCISCO, *February* 18, 1870.

SIR: I have the honor to inclose to you the field-notes of the recent survey of the Round Valley Indian reservation. I also forward a proposed description of lands to be set apart for an Indian reservation at Round Valley, Mendocino County, California.

I am, sir, very respectfully, your obedient servant,

J. B. McINTOSH,
Brevet Major-General, U. S. A., Superintendent of Indian Affairs.

Hon. E. S. PARKER,
Commissioner of Indian Affairs.

PROPOSED DESCRIPTION OF LANDS TO BE RESERVED FOR INDIAN PURPOSES, IN ROUND VALLEY, MENDOCINO COUNTY, CALIFORNIA.

All that piece or tract of land situated in Round Valley, Mendocino County, California, being a portion of the four (4) townships hereinafter mentioned, namely:

Townships 22 and 23 north, range 12 west, and 22 and 23 north, range 13 west, Mount Diablo meridian, and contained within the boundaries hereinafter described.

Beginning at white-oak post, the southeast corner section 23, township 23 north, range 13 west, Mount Diablo meridian; thence south 72° 22′ west for 5,330 feet (magnetic variation 17° 38′ east) to a white-oak post; thence south for 3,154 feet, to a white-oak post in stone mound; thence south 23°, east for 2,073 feet to a white-oak post; thence south 7° 35′ east for 4,491 feet to a white-oak post; thence south 37° 25′ east for 13,324 feet to a white-oak post on rock mound; thence south 41° 40′ east for 4,763 feet to an oak post in rock mound; thence south 71° 20′ east for 2,845 feet to an oak post; thence south 20° 30′ east for 4,098 feet to a black-oak tree, blazed on four (4) sides four (4) feet from the ground; thence south 80° 15′ east for 2,730 feet, to a pine tree 100 feet in height, bushy top, blazed as above; thence south 53° 10′ east for 937 feet, to a pine tree 20 inches in diameter, forked 10 feet above ground, blazed as above; thence south 45° 10′ east for 2,333 feet, to a black-oak tree 30 inches in diameter, blazed as above; thence south 72° 58′ east for 9,120 feet, to an oak post on high knoll; thence north 39° 33′ east for 4,627 feet, to a white-oak tree 30 inches in diameter, blazed as above; thence north 28° 30′ east for 2,485 feet to a pine tree 30 inches in diameter, blazed as above; thence north 16° 42′ east for 3,309 feet, to a black-oak tree 32 inches in diameter and blazed as above; thence north 51° 40′ east for 3,797 feet to a white-oak tree 15 inches in diameter and blazed as above; thence north 23° 32′ east for 3,053 feet to a white-oak tree 10 inches in diameter, and blazed as above; thence north 70° 35′ east for 6,150 feet to a white-oak tree 20 inches in diameter and blazed as above; thence north 48° 40′ east for 1,088 feet, to a pine tree 30 inches in diameter and blazed as above; thence north 15° east for 719 feet, to a pine tree 20 inches in diameter, and blazed as above; thence north 71° 25′ east for 962 feet, to a forked black-oak 20 inches in diameter, and blazed as above; thence 0° 15′ east for 13,930 feet, to a white-oak 30 inches in diameter, and blazed as above; thence north 45° 25′ west for 1,678 feet, to a pine tree 15 inches in diameter and blazed as above;

thence north 45° 25′ west for 4,616 feet, to a white-oak tree 40 inches in diameter and blazed as above; thence north 76° 55′ west for 2,935 feet, to a white-oak tree 22 inches in diameter and blazed as above; thence north 81° 45′ west for 5,670 feet, to a black-oak tree 20 inches in diameter and blazed as above; thence north 89° 15′ west for 1,874 feet, to a pine tree 35 inches in diameter and blazed as above; thence north 89° 15′ west for 849 feet, to a pine tree 40 inches in diameter and blazed as above; thence north 71° 15′ west for 1,257 feet, to a pine tree 30 inches in diameter and blazed as above; thence north 60° 40′ west for 1,337 feet, to a pine tree 28 inches in diameter and blazed as above; thence north 52° 25′ west for 1,530 feet, to a pine tree 30 inches in diameter and blazed as above; thence north 64° 40′ west for 5,525 feet, to a pine tree 35 inches in diameter and blazed as above; thence south 38° 30′ west for 604 feet, to a pine tree 30 inches in diameter and blazed as above; thence north 87° 35′ west for 3,356 feet, to a pine tree 9 inches in diameter and blazed as above; thence north 71° 40′ west for 3,013 feet, to a pine tree 40 inches in diameter, and near a boulder, and blazed as above; thence north 87° 35′ west for 4,842 feet, to a black-oak tree 40 inches in diameter and blazed as above; thence south 66° 20′ west for 2,423 feet, to a pine tree 60 inches in diameter and blazed as above; thence south 3° 37′ east for 3,314 feet, to a maderone tree 40 inches in diameter and blazed as above; thence south 34° 10′ west for 9,170 feet, to a white-oak tree 30 inches in diameter and blazed as above; thence south 23° 10′ west for 1,768 feet, to a white-oak tree 50 inches in diameter and blazed as above; thence south 16° 50′ west for 734 feet, to a pine tree 40 inches in diameter and blazed as above; thence south 35° 40′ west for 993 feet, to a double pine tree 60 inches by 25 inches at butt, and blazed as above; thence south 0° 25′ west for 409 feet, to a pine tree 32 inches in diameter and blazed as above; thence south 61° 15′ east for 1,046 feet, to a pine tree 40 inches in diameter and blazed as above; thence north 48° 14′ east for 1,347 feet, to a white-oak tree 30 inches in diameter and blazed as above; thence north 41° 50′ east for 1,043 feet, to a white-oak tree 25 inches in diameter and blazed as above; thence north 32° 40′ east for 735 feet, to point of beginning.

The total length of said boundary being 31 miles and 1,039 feet, and including an area of 31,683 acres, said tract of land being more minutely described in the field-notes and plat of the survey of said tract executed in December, 1869, and January, 1870, under the superintendence of Bvt. Maj. Gen. John B. McIntosh, U. S. Army, by Bvt. Second Lieut. R. U. Varazo, Corps of Engineers, U. S. A.

WASHINGTON, D. C., *March* 30, 1870.

I hereby order that Round Valley, in Mendocino County, California, be set apart as an Indian reservation, in accordance with the recommendation of the Secretary of the Interior, as the same is delineated on the map accompanying his letter of the 30th March, 1870.

U. S. GRANT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
March 29, 1873.

SIR: I have the honor to invite your attention to the terms of an act of Congress approved March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation in California to the public lands, and for other purposes."

Section 2 of said act provides "that said township line between townships 22 and 23 north, extending from the middle fork of Eel River on the east to Eel River on the west, shall hereafter be the southern boundary of the Indian reservation in Round Valley, and the center of the middle fork of Eel River shall be the eastern boundary, and the center of Eel River shall be the western boundary of said reservation, with the privilege of fishing in said streams."

Section 3 of the same act further provides "that immediately after the passage of this act the President shall cause to be withdrawn from sale or entry under the homestead and pre-emption laws, all the land lying north of the southern boundary of the reservation as herein defined, and bounded north by the Eel River, and the north fork of said river, east by the middle fork, and west by Eel River."

I compliance with the provisions of said act, I have the honor to recommend that the President be requested to issue his order directing that the tract of country described in said section 3 thereof be withdrawn, and reserved from sale or entry as public lands until after the report of the commissioners appointed to fix the northern boundary of said reservation shall have been received and approved.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 8, 1873.

SIR: I have the honor to hand you herewith a letter dated the 29th ultimo, from the Acting Commissioner of Indian Affairs, wherein it is recommended that an order be issued by the Executive directing that the tract of country described in the third section of the act approved March 3, 1873, entitled "An act to restore a part of the Round Valley Indian Reservation in California to the public lands, and for other purposes," be withdrawn and reserved from sale and entry as public land until the report of the commissioners appointed under said act to fix the northern boundary of said reservation and, &c., shall have been received and action had thereon.

The recommendations of the Acting Commissioner are approved, and I have respectfully to request that an order may be issued setting apart the lands referred to for the purpose named.

I have the honor to be, sir, your obedient servant,

C. DELANO, *Secretary.*

To the PRESIDENT.

EXECUTIVE MANSION, *April* 8, 1873.

Let the lands described in the third section of the act of 3d March, 1873, for the restoration to market of a part of the Round Valley Indian Reservation in California be withdrawn from sale and entry, as recommended in the within letter of the honorable Secretary of the Interior of this date.

U. S. GRANT.

EXECUTIVE MANSION, *May* 18, 1875.

Whereas an act of Congress, entitled "An act to restore a part of the Round Valley Indian Reservation in California to the public lands, and for other purposes," approved March 3, 1873 (Stats. at Large, vol. 17, p. 633), defines the south, east, and west boundaries of said reservation and authorizes and directs the Secretary of the Interior to appoint a commission to report its northern boundary, and said commission having made their report, which was approved by the Secretary of the Interior August 4, 1874, I hereby order and proclaim the following as the boundaries of the Round Valley Indian Reservation in California, conformable to said act of Congress, viz:

Beginning for the same at a point in section 36, of township 23, range 12 west, Mount Diablo meridian, where the township line crosses Eel River, being at a point about eighty rods west of the southeast corner of said township and section; thence following the courses of Eel River up said stream, in the center thereof, to a point where the same is intersected by the stream known as Williams' Creek or Bland Mountain Creek; thence following up the center of said creek to its extreme northern source on the ridge dividing the waters of said creek from the waters of Hall's Cañon or Creek, a tributary of the north fork of Eel River, at the foot of Bland Mountain, crossing said dividing ridge at a point on a line where a small white-oak tree and a cluster of arbor vitæ trees are branded with the letters U. S. R.; thence in a direct line to the center of said Hall's Cañon or Creek; thence following down the center of the same to its intersection with the north fork of Eel River; thence down the center of said North Fork to its intersection with the main fork; thence following up the main fork of the Eel River, in the center thereof, where the township line between townships 22 and 23 north, range 13 west, would intersect said river if produced; thence east along said township line through ranges 13 and 12 to the place of beginning.

U. S. GRANT.

EXECUTIVE MANSION, *July* 26, 1876.

The military reservation in California known as Camp Wright, embracing the west half of section 1 and the east half of section 2, township 22 north, range 13 west, and containing 1 square mile of land, be the same more or less, having been, with its buildings, improvements, &c., relinquished by the War Department, the Executive order of April 28, 1869, creating said military reservation, is hereby revoked, and the said tract of land, with its buildings, improvements, &c., is hereby withheld from public sale, and reserved for the use and occupancy of the Indians located on the Round Valley Reservation, as an extension thereof, until otherwise ordered.

U. S. GRANT.

AN ACT to provide for the better organization of Indian affairs in California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of April, anno Domini eighteen hundred and sixty four, the State of California shall, for Indian purposes, constitute one superintendency, for which there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a superintendent of Indian affairs for said superintendency, at a salary of three thousand six hundred dollars per annum, who shall reside at a point within said State, to be selected by the Secretary of the Interior, and who, upon executing a bond, upon such terms and such sum as may be prescribed by the Secretary of the Interior, and taking the usual oath of office, shall have under his control and management, in like manner and subject to like rules and regulations as are prescribed for superintendents of other superintendencies, the Indians and Indian reservations that are or may hereafter be established in said State: *Provided,* That the superintendent shall be authorized to appoint a clerk, at a compensation not to exceed eighteen hundred dollars per annum.

SEC. 2. *And be it further enacted,* That there shall be set apart by the President, and at his discretion, not exceeding four tracts of land, within the limits of said State, to be retained by the United States for the purposes of Indian reservations, which shall be of suitable extent for the accommodation of the Indians of said State, and shall be located as remote from white settlements as may be found practicable, having due regard to their adaptation to the purposes for which they are intended: *Provided,* That at least one of said tracts shall be located in what has heretofore been known as the northern district: *And provided, further,* That if it shall be found impracticable to establish the reservations herein contemplated without embracing improvements made within their limits by white persons lawfully there, the Secretary of the Interior is hereby authorized and empowered to contract for the purchase of such improvements, at a price not exceeding a fair valuation thereof, to be made under his direction. But no such contract shall be valid, nor any money paid thereon, until, upon a report of said contract and of said valuation to Congress, the same shall be approved and the money appropriated by law for that purpose: *And provided, further,* That said tracts to be set apart as aforesaid may, or may not, as in the discretion of the President may be deemed for the best interests of the Indians to be provided for, include any of the Indian reservations heretofore set apart in said State, and that in case any such reservation is so included, the same may be enlarged to such an extent as in the opinion of the President may be necessary, in order to its complete adaptation to the purposes for which it is intended.

SEC. 3. *And be it further enacted,* That the several Indian reservations in California which shall not be retained for the purposes of Indian reservations under the provisions of the preceding section of this act, shall, by the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be surveyed into lots or parcels of suitable size, and as far as practicable in conformity to the surveys of the public lands, which said lots shall, under his direction, be appraised by disinterested persons at their cash value, and shall thereupon, after due advertisement, as now provided by law in case of other public lands, be offered for sale at public outcry, and thence, afterward shall be held subject to sale at private entry, according to such regulations as the Secretary of the Interior may prescribe: *Provided,* That no lot shall be disposed of at less than the appraised value, nor at less than one dollar and twenty-five cents per acre: *And provided, further,* That said sale shall be conducted by the register and receiver of the land-office in the district in which such reservation or reservations may be situated, in accordance with the instructions of the department regulating the sale of public lands.

SEC. 4. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint an Indian agent for each of the reservations which shall be established under the provisions of this act, which said agent shall reside upon the reservation for which he shall be appointed, and shall discharge all the duties now or hereafter to be required of Indian agents by law, or by rules and regulations adopted, or to be adopted, for the regulation of the Indian service, so far as the same may be applicable. Each of the agents appointed as aforesaid shall, before entering upon the duties of his office, give bond in such penalties and with such conditions and such security as the President or Secretary of the Interior may require, and shall hold his office for the term of four years, unless sooner removed by the President, and shall receive an annual salary at the rate of eighteen hundred dollars.

SEC 5. *And be it further enacted,* That there may be appointed, in the manner prescribed by law, for each of said reservations, if in the opinion of the Secretary of the Interior the welfare of said Indians shall require it, one physician, one blacksmith, one assistant blacksmith, one farmer, and one carpenter, who shall each receive compensation at rates to be determined by the Secretary of the Interior, not exceeding fifty dollars per month.

SEC. 6. *And be it further enacted*, That hereafter, when it shall become necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

SEC. 7. *And be it further enacted*, That all Indian agents shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. And it is hereby made the duty of the said Commissioner to report all cases of the violation of this section to the President, with the request that the agents disregarding the provisions herein contained be at once removed from office.

SEC. 8. *And be it further enacted*, That all acts or parts of acts in conflict with the provisions of this act, be, and the same are hereby, repealed; and all offices and employments connected with Indian Affairs in California not provided for in this act be, and the same are hereby, abolished.

Approved, April 8, 1864.

AN ACT to restore a part of the Round Valley Indian Reservation, in California, to the public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the Indian reservation in Round Valley California which lies south of the township line running east and west between townships twenty-two and twenty-three north, of ranges twelve and thirteen west of the Mount Diablo meridian, be, and the same is hereby restored to the public lands of the United States, and the Secretary of the Interior shall cause the same to be surveyed and offered for sale in legal subdivisions, at not less than one dollar and twenty-five cents per acre; *Provided*, That the improvements owned by persons on the lands hereby restored before the passage of this act shall be the sole property of such persons, who shall have priority of right to purchase not exceeding three hundred and twenty acres of land in adjacent quarter-sections, containing and adjoining said improvements; and all said lands shall be sold and disposed of for cash only, the same to be done through the local land office—within the jurisdiction of which these lands are situated; *And provided further*, That the proceeds of the sale of the lands hereby restored, or so much thereof as may be necessary, shall be used to pay for the improvements and claims of settlers now residing within the limits of the new reservation created under this act, and for improvements of Indians on lands hereby restored to the public lands, after such improvements shall have been appraised and the appraisement approved, as hereinafter provided.

SEC. 2. That said township line between townships twenty-two and twenty-three north, extending from the Middle Fork of Eel River on the east to Eel River on the west, shall hereafter be the southern boundary of the Indian reservation in Round Valley; and the centre of the Middle Fork of Eel River shall be the eastern boundary, and the centre of Eel River shall be the western boundary of said reservation, with the privilege of fishing in said streams. And the Secretary of the Interior is hereby authorized and directed to appoint three commissioners, who shall proceed to make an examination of the country in that locality and report their views in regard to where the northern line of this reservation should be located; they shall also make an appraisement of all improvements of white persons north of said southern boundary of the reservation, as established by this section of this act, within the limits proposed by them for a reservation, and of all Indians south of said line, and report the same to the Secretary of the Interior, who shall cause the same to be paid to such settlers or Indians out of the money hereinbefore reserved for such purpose.

SEC. 3. That immediately after the passage of this act the President shall cause to be withdrawn from sale or entry under the homestead and pre-emption laws all the land lying north of the southern boundary of the reservation, as herein defined, and bounded north by the Eel River and the North Fork of said river, east by the Middle Fork, and west by Eel River; and the report of said commission fixing the north boundary of said reservation shall have been approved; and all settlers now residing upon the tract herein described lying north of the south boundary of said reservation shall be required to remove therefrom as soon as they shall be paid for or tendered the amount of the appraised value of their improvements.

SEC. 4. That there shall hereafter be appropriated out of any money in the Treasury of the United States not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary, for the purpose of defraying the expenses of the commission provided for in this act.

Approved March 3, 1873.

[Senate Ex. Doc. No. 49, Forty-eighth Congress, first session.]

Message from the President of the United States, transmitting a communication of the 11th instant, from the Secretary of the Interior, submitting a draft of bill "for the relief of the Mission Indians in the State of California."

JANUARY 14, 1884.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the 11th instant, from the Secretary of the Interior, submitting, with accompanying papers, a draft of a bill "for the relief of the Mission Indians in the State of California."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 14, 1884.

DEPARTMENT OF THE INTERIOR,
Washington, January 11, 1884.

SIR: I have the honor to submit herewith a copy of a letter of the 10th instant, from the Commissioner of Indian Affairs, with its inclosures, including the draft of a bill for the relief of the Mission Indians in the State of California.

The facts presented by the Commissioner and in the report of the special agents on the subject show clearly the urgent necessity for some such legislation as is proposed in behalf of those Indians.

I have the honor to respectfully request that the matter may be presented for the favorable consideration of the Congress.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 10, 1884.

SIR: I have the honor to transmit herewith a printed copy of the report on the condition and needs of the Mission Indians in California, made by Special Agents Helen Jackson and Abbot Kinney, under instructions from this office, dated July 7, 1882, November 28, 1882, and January 12, 1883; the appointment of Mrs. Jackson having been authorized by you June 30, 1882. Mr. Kinney was authorized to assist in the work upon the request of Mrs. Jackson.

The injustice done the Mission Indians, and their deplorable condition, have been set forth by several commissions, and treated of at length in various annual reports of this office, especially in those of 1875 and 1880; and Congress has been repeatedly solicited to interfere in their behalf.

Through the failure of Congress to afford any relief their condition has been rapidly growing worse, until, at the present time, they are threatened with the total loss of the lands they have cultivated for years, and from which they have derived their support with but trifling aid from the Government.

Under the treaty of Guadalupe Hidalgo (9 Stat., 922) the rights of these Indians were guaranteed, and, in accordance with the decision of the Supreme Court of the United States in the case of the United States *vs.* Ritchie (17 Howard, 525), it is probable that they are citizens of the United States, and entitled to all the privileges and immunities of such citizens.

Instead of being accorded the rights of citizens, however, they have not received as much consideration as the wild tribes found in occupation of other parts of the country.

Before the acquisition of California by the United States it was provided by the Mexican Government that in making grants or distribution of land (now known as Mexican grants) the rights of the Indians should be protected.

How this provision of the Mexican Government has been observed may be learned from the report of the Commissioner of Indian Affairs for 1875 (p. 9), the information in that report being compiled from the report of Special Commissioner J. G. Ames, made in 1873, and of Commissioner C. A. Wetmore, of California, made in 1874. In this report it is stated that—

"Gradually, however, for the past eight years, Southern California has been filling

up by emigration; Spanish and Mexican grants have been 'determined' in such a way as to cover choice tracts wherever found; large ranches have been cut up and the desirable portions of public domain pre-empted; and thus all available agricultural lands have been seized or occupied by individual owners, who, in conformity to law, have become possessed of the lands on which the remnants of a few thousand Mission Indians are making their homes in San Diego and San Bernardino Counties. So long as the pre-emptors and purchasers did not require the lands for use or sale the Indians were allowed to remain undisturbed and in blissful ignorance of the fact that the place they called home had by law passed to the ownership of another. Of late, under the increasing demands for these lands, writs of ejectment are being procured by which the Indians are forcibly dispossessed and turned adrift in poverty and wretchedness."

This work of despoiling the Indians has been done under the forms of law, but, as is believed, in violation of the terms of the law and of the stipulations contained in the original grants. By the fundamental laws of the Mexican Republic of 1824, the regulation of 1828, and the regulation of the departmental legislature, one condition was that in making private grants of lands, the lands granted must be vacant lands. Lands occupied by and in possession of Indians were not such vacant lands, for by the same laws and regulations it was provided that such grants must be without prejudice or damage to the Indians, and that such land granted to the damage and injury of the Indians should be returned to the rightful owners. It is believed that a clause was inserted in all of the Mexican grants protecting the Indians in the possession of the lands occupied by them. The patents issued for confirmed grants contain a clause that said patents shall be conclusive between the United States and the claimants only, and shall not affect the interests of third persons, in accordance with the provisions of section 15 of the act of March 3, 1851 (9 Stat., 634).

An act for the government and protection of Indians, passed by the California State legislature April 22, 1850, provides that persons and proprietors of lands on which Indians are residing shall permit such Indians peaceably to reside on such lands unmolested, and that the white person or proprietor may apply to have a sufficient amount of land for the necessary wants of such Indians, including their village, set off for such Indians.

Owing to their ignorance and poverty the Indians have never availed themselves of this provision or of their rights under the grants.

In most cases they have been wholly unadvised of any proceedings against them until forced to vacate their homes.

From the report of Mrs. Jackson and Mr. Kinney, as well as from frequent reports from the agent in charge of the Mission Agency, it appears that this work of spoliation has continued and still threatens these long-suffering and much-abused people, until starvation and vagabondage appears to be the inevitable result, unless the Government immediately takes some steps to improve their situation.

Mrs. Jackson and Mr. Kinney, in the exhibits to their report, give a detailed account of the situation and condition of each village of these Indians, to which reference is made.

They recommend, as the first and most essential step, without which there is no possibility of protecting these Indians or doing anything intelligently for them, the determining, resurveying, rounding out, and distinctly marking their reservations already existing. They state:

"The only way of having this done honestly and accurately is to have it done by a surveyor who is under the orders and constant supervision of an intelligent and honest Commissioner; not by an independent surveyor who runs or 'floats' reservation lines where he and his friends or interested parties choose, instead of where the purpose of the United States Government, looking to the Indians' interests, had intended. There have been too many surveys of Indian reservations in Southern California of this sort. (See Exhibits C, H, I, J, L.) All the reservations made in 1876, and that comprises nearly all now existing, were laid off by guess, by the surveyor in San Diego, on an imperfect county map. These sections, thus guessed at by the surveyor, were ordered by the Commissioner to the Interior Department, set aside by Executive order, and ordered to be surveyed. When the actual survey came to be made, it was discovered that in the majority of cases the Indian villages intended to be provided for were outside the reservation lines, and that the greater part of the lands set apart were wholly worthless."

They state that the reservation lines when thus defined should be marked plainly and conspicuously by monuments and stakes. They also refer to the fact that certain lands will fall within the limits of the Southern Pacific Railroad grant, and others within the limits of the grant to the Texas Pacific, should that be confirmed, and state that the odd sections should be secured for the Indians. Also, that there are a few claims (of white persons) to lands within reservation boundaries, which are legal on account of their having been made before the reservations were set off, which claims should be extinguished.

In order to carry out this recommendation, which I consider of the greatest importance, a commission should be appointed to select a reservation for each band or village of these Indians, which reservations should include, as far as practicable, the lands and villages occupied by them for many years, and sufficient in extent for their actual requirements. Lieu lands should be given to railroads where they have valid claims to lands within a reservation so selected, and the improvements of persons who may have valid existing claims under the public land laws within such reservation should be appraised in order that Congress may hereafter be asked for an appropriation to pay for the same

The employment of a competent surveyor will be necessary to assist the commission in their work.

Second. Mrs. Jackson and Mr. Kinney recommend the removal of all white settlers now on the reservations.

When the reservations shall be correctly defined and established, as suggested, and valid claims extinguished, this recommendation can be carried out under existing laws. In this connection the special agents state that the amount of land set off in Indian reservations in Southern California appears by the record to be very large, but that the proportion of it really available is very small, at least four-fifths being desert and mountain.

They say by resurveying, rounding out, and freeing from white settlers the present reservations, adding to them all Government lands now actually in occupation by Indians, there will be nearly land enough for the accommodation of all the Mission Indians, except those whose settlements are on grants.

Third. In regard to this latter class, *i. e.*, those whose villages are now within the boundaries of confirmed grants, they state that the Government has to choose between two courses of action, either to remove them and make other provision for them, or to uphold and defend their right to remain where they are.

As before remarked, it is believed that the original grants and the law of the State of California give this class of Indians the right to remain on the lands they occupied at the date of the grant. Their rights in this respect, however, are valueless, if they are left to their own resources. The grantees have intelligence and wealth to command the best legal talent to assert their rights, while the Indians have no means with which to defend themselves.

I think the question should be tested before the proper courts, and that the Indians should have the assistance of the Government. To this end the Attorney-General should be authorized, upon the request of the Secretary of the Interior, to defend the Indians through special counsel or otherwise. In order that the location of the Indians within these grants may be definitely known, the commission should define the boundaries of such locations, and should also ascertain whether there are any available lands to which the Indians can be removed in case it becomes necessary or is deemed advisable.

In this connection it may be remarked that Agent McCallum, in his monthly report for November, 1883, states that the owner of Warner's ranch, within the limits of which are five Indian villages, is about to have the Indians ejected, and that he, the agent, has examined the original grant and found that it contains the usual exception in favor of the Indians who were on the grant.

Fourth. They recommend that all these Indians' reservations, those already set off by Executive order and all new ones made for them, whether of Government lands now in their occupation, or of lands which may be hereafter by legal process reclaimed for them from the grant lands on which they are now living, be patented to the several bands occupying them; the United States to hold the patent in trust for twenty-five years, at the expiration of that time the United States to convey the same by patent to said Indians, as has been done for the Omahas

They also recommend that a provision be inserted in the patents, providing for allotments in severalty whenever the same shall be desirable.

I think the reservations *selected and defined* by the commission should be patented as recommended.

In no other way can Indians be made secure in the possession of their lands, and it is especially desirable in the case of these Indians, who have suffered so much from the insecurity of their titles. The patents, however, should not include any tracts to which existing valid rights have attached, unless such rights be first extinguished in the manner heretofore indicated.

The Government cannot convey title for lands embraced in confirmed private grants even if the right of the Indians should be affirmed, such right being that of occupancy only, the fee being in the grantee.

Provision for allotments should be made whenever the same appear to be desirable, and for patents to allottees in the manner adopted in the Omaha bill (22 Stat., 341).

The fifth and sixth recommendations relate to the establishment of more schools and the value of itinerary labor among the Indians, which may be carried out without special legislation.

Seventh. They recommend that there be secured the appointment of a lawyer or law firm in Los Angeles, to act as special United States attorney in all cases affecting the interest of these Indians.

This recommendation has already been acted upon, and Messrs. Brunson and Wells, appointed by the Attorney-General as special assistants to the United States district attorney for the purposes indicated.

Eighth. They recommend that there should be a judicious distribution of agricultural implements among these Indians.

An estimate of $29,000, for the support and civilization of these and other Indians in California, has been submitted to Congress. Should the appropriation be made the implements can be supplied as recommended.

Ninth. They state that there should always be provided a small fund for the purchase of food and clothing for the very old and sick in times of special destitution.

They say that these Indians are proud-spirited and averse to assistance, but that at times, as in seasons of drought, or a failure of crops, the distress is great.

I think a small fund, say $2,000, should be appropriated for this purpose, to be expended under the direction of the mission agent.

Tenth. They recommend the purchase of two ranches, at an aggregate cost of $126,000, for the use of these Indians, there being no considerable tract of Government land in Southern California available for the purpose.

With this recommendation I do not at present concur. Before the appropriation of so large a sum is recommended, other efforts should be exhausted, and it is hoped that the commission herein recommended will be able to locate these Indians upon their existing reservation and vacant Goverment lands. Should this be found impossible, this recommendation can then be considered.

I have prepared the draft of a bill embodying the measures hereinbefore suggested, and have the honor to recommend that the same be laid before Congress with an urgent appeal for favorable action.

Former neglect to provide for these Indians has increased the complications which existed over ten years ago, and longer neglect will increase them beyond extrication.

Sound policy, as well as justice and humanity, demand that something should be done for these neglected wards of the nation, degraded from citizenship to this dependent position.

It is not intended that the just rights of any white citizen shall be infringed, but it is confidently hoped that Congress may be induced to render equal and exact justice to all.

I inclose three printed copies of the report of Mrs. Jackson and Mr. Kinney, two copies of this report, and two copies of the proposed bill.

Respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

A BILL for the relief of the Mission Indians in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That immediately after the passage of this act the Secretary of the Interior shall appoint three disinterested persons as commissioners to arrange a just and satisfactory settlement of the Mission Indians, residing in the State of California, upon reservations which shall be secured to the them as hereinafter provided.

SEC. 2. That it shall be the duty of said commissioners to select a reservation for each band or village of the Mission Indians residing within said State, which reservations shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements. They shall also appraise the value of the improvements belonging to any person to whom valid existing rights have attached under the public-land laws of the United States, or to the assignee of such person, where such improvements are situated within the limits of any reservation selected and defined by said commissioners. In cases where the Indians are in occupation of lands within the limits of confirmed private grants, the commissioners shall determine and define the boundaries of such lands, and shall ascertain whether there are vacant public lands in the vicinity to which they may be removed. And the said commission is hereby authorized to employ a competent surveyor and the necessary assistants.

SEC. 3. The commissioners, upon the completion of their duties, shall report the result to the Secretary of the Interior, who, if no valid objection exists, shall cause a patent to issue for each of the reservations selected by the commission and approved by him, which patent shall be of the legal effect and declare that the United States

does and will hold the land thus patented for the period of twenty-five years in trust for the sole use and benefit of the band or village to which it is issued, and that at the expiration of said period the United States will convey the same by patent to said band or village, in fee, discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That no patent shall embrace any tract or tracts to which existing valid rights have attached in favor of any person under any of the United States laws providing for the disposition of the public domain, unless such person has been paid the value of his improvements as appraised by the aforesaid commission. And a separate patent in similar form may be issued for any tract or tracts at any time after the appraised value of the improvements thereon shall have been paid: *And provided further*, That in case any lands shall be selected under this act to which it shall hereafter be determined that any railroad company is entitled to receive a patent, such railroad company shall be allowed to select an equal quantity of other lands in lieu thereof.

SEC. 4. That whenever any of the Indians residing upon any reservation patented under the provisions of this act shall desire allotments of lands in severalty, the Secretary of the Interior may cause allotments to be made to such Indians in quantity as follows: To each head of a family, one hundred and sixty acres; to each single person over twenty-one years of age, eighty acres.

SEC. 5. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, he shall cause patents to issue therefor in the name of the allottees, which shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State of California, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart, and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the foregoing conditions, restrictions, and limitations shall not extend beyond the expiration of the time expressed in the patent herein authorized to be issued to the band or village in common: *And provided further*, That these patents, when issued, shall override the patent authorized to be issued to the band or village as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in each of the village patents.

SEC. 6 That in cases where the lands occupied by any band or village of Indians are wholly or in part within the limits of any confirmed private grant or grants, it shall be the duty of the Attorney-General of the United States, upon request of the Secretary of the Interior, through special counsel or otherwise, to defend such Indians in the rights secured to them in the original grants from the Mexican Government and in an act for the government and protection of Indians passed by the legislature of the State of California, April twenty-second, eighteen hundred and fifty.

SEC. 7. That each of the commissioners authorized to be appointed by the first section of this act shall be paid at the rate of eight dollars per day for the time he is actually and necessarily employed in the discharge of his duties, and necessary traveling expenses; and for the payment of the same and of the expenses of surveying the sum of eight thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 8. That the sum of two thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the United States Indian agent at the Mission agency, in California, in the purchase of food and clothing for old and destitute Indians.

SEC. 9. That this act take effect from and after the date of its passage.

REPORT ON THE CONDITION AND NEEDS OF THE MISSION INDIANS OF CALIFORNIA, MADE BY SPECIAL AGENTS HELEN JACKSON AND ABBOT KINNEY TO THE COMMISSIONER OF INDIAN AFFAIRS.

COLORADO SPRINGS, COLO., *July* 13, 1883.

SIR: In compliance with our instructions bearing dates November 28, 1882, and January 12, 1883, we have the honor to submit to you the following report on the subject of the Mission Indians in Southern California:

The term "Mission Indians" dates back over one hundred years, to the time of the Franciscan missions in California. It then included all Indians who lived in the mission establishments, or were under the care of the Franciscan fathers. Very naturally

the term has continued to be applied to the descendants of those Indians. In the classification of the Indian Bureau, however, it is now used in a somewhat restricted sense, embracing only those Indians living in the three southernmost counties of California, and known as Serranos, Cahuillas, San Luisenos, and Dieguinos; the last two names having evidently come from the names of the southernmost two missions, San Luis Rey and San Diego. A census taken in 1880, of these bands, gives their number as follows:

Serranos	381
Cahuillas	675
San Luisenos	1,120
Dieguinos	731
Total	2,907

This estimate probably falls considerably short of the real numbers, as there are no doubt in hiding, so to speak, in remote and inaccessible spots, many individuals, families, or even villages, that have never been counted. These Indians are living for the most part in small and isolated villages; some on reservations set apart for them by Executive order; some on Government land not reserved, and some upon lands included within the boundaries of confirmed Mexican grants.

Considerable numbers of these Indians are also to be found on the outskirts of white settlements, as at Riverside, San Bernardino, or in the colonies in the San Gabriel Valley, where they live like gypsies in brush huts, here to-day, gone to-morrow, eking out a miserable existence by days' work, the wages of which are too often spent for whisky in the village saloons. Travelers in Southern California, who have formed their impressions of the Mission Indians from these wretched wayside creatures, would be greatly surprised at the sight of some of the Indian villages in the mountain valleys, where, freer from the contaminating influence of the white race, are industrious, peaceable communities, cultivating ground, keeping stock, carrying on their own simple manufactures of pottery, mats, baskets, &c., and making their living—a very poor living, it is true, but they are independent and self-respecting in it, and ask nothing at the hands of the United States Government now, except that it will protect them in their ownership of their lands, lands which, in many instances, have been in continuous occupation and cultivation by their ancestors for over one hundred years.

From tract after tract of such lands they have been driven out, year by year, by the white settlers of the country, until they can retreat no farther; some of their villages being literally in the last tillable spot on the desert's edge or in mountain fastnesses. Yet there are in Southern California to-day many fertile valleys, which only thirty years ago were like garden-spots with these same Indians' wheat-fields, orchards, and vineyards. Now there is left in these valleys no trace of the Indians' occupation, except the ruins of their adobe houses; in some instances these houses, still standing, are occupied by the robber whites who drove them out. The responsibility for this wrong rests, perhaps, equally divided between the United States Government, which permitted lands thus occupied by peaceful agricultural communities to be put "in market," and the white men who were not restrained either by humanity or by a sense of justice from "filing" homestead claims on lands which had been fenced, irrigated, tilled, and lived on by Indians for many generations. The Government cannot justify this neglect on the plea of ignorance. Repeatedly in the course of the last thirty years both the regular agents in charge of the Mission Indians and special agents sent out to investigate their condition have made to the Indian Bureau full reports setting forth these facts.

In 1873 one of these special agents, giving an account of the San Pasquale Indians, mentioned the fact that a white man had just pre-empted the land on which the greater part of the village was situated. He had paid the price of the land to the register of the district land office, and was daily expecting his patent from Washington. "He owned," the agent says, "that it was hard to wrest from these well-disposed and industrious creatures the homes they had built up, but," said he, "if I had not done it somebody else would; for all agree that the Indian has no right to public lands." This San Pasquale village was a regularly organized Indian pueblo, formed by about one hundred neophytes of the San Luis Rey Mission, under and in accordance with the provisions of the secularization act in 1834. The record of its founding is preserved in the Mexican archives at San Francisco. These Indians had herds of cattle, horses, and sheep; they raised grains, and had orchards and vineyards. The whole valley in which this village lay was at one time set off by Executive order as a reservation, but by the efforts of designing men the order was speedily revoked, and no sooner had this been done than the process of dispossessing the Indians began. There is now on the site of that old Indian pueblo a white settlement numbering 35 voters. The Indians are all gone, some to other villages, some living near by in

cañons and nooks in the hills, from which, on the occasional visits of the priest, they gather and hold services in the half-ruined adobe chapel built by them in the days of their prosperity.

This story of the San Pasquale Indians is only a fair showing of the experiences of the Mission Indians during the past fifty years. Almost without exception they have been submissive and peaceable through it all, and have retreated again and again to new refuges. In a few instances there have been slight insurrections among them and threatenings of retaliation, but in the main their history has been one of almost incredible long-suffering and patience under wrongs.

In 1851 one of the San Luiseno bands, the Aqua Caliente Indians, in the north part of San Diego County, made an attack on the house of a white settler, and there was for a time great fear of a general uprising of all the Indians in the country. It is probable that this was instigated by the Mexicans, and that there was a concerted plan for driving the Americans out of the country. The outbreak was easily quelled, however; four of the chiefs were tried by court-martial and shot by order of General Heintzelman, and in January of the following year a treaty was made with the San Luiseno and Dieguino Indians, setting off for them large tracts of land. This treaty was made by a United States commissioner, Dr. Wozencraft, and Lieutenant Hamilton, representing the Army, and Col. J. J. Warner, the settler whose house had been attacked. The greater part of the lands which were by this treaty assigned to the Indians are now within the boundaries of grants confirmed and patented since that time; but there are many Indian villages still remaining on them, and all Indians living on such lands are supposed to be there solely on the tolerance and at the mercy of the owners of said ranches, and to be liable to ejectment by law. Whether this be so or not is a point which it would seem to be wise to test before the courts. It is certain that in the case of all these Mission Indians the rights involved are quite different from and superior to the mere "occupancy" right of the wild and uncivilized Indian.

At the time of the surrender of California to the United States these Mission Indians had been for over seventy years the subjects, first of the Spanish Government, secondly of the Mexican. They came under the jurisdiction of the United States by treaty provisions, the treaty of Guadalupe Hidalgo, between the United States and Mexico, in 1848. At this time they were so far civilized that they had become the chief dependence of the Mexican and white settlers for all service indoors and out. In the admirable report upon these Indians made to the Interior Department in 1853 by the Hon. B. D. Wilson, of Los Angeles, are the following statements:

"These same Indians had built all the houses in the country, planted all the fields and vineyards. Under the Missions there were masons, carpenters, plasterers, soap-makers, tanners, shoemakers, blacksmiths, millers, bakers, cooks, brick-makers, carters and cart-makers, weavers and spinners, saddlers, shepherds, agriculturists, horticulturists, vineros, vaqueros; in a word, they filled all the laborious occupations known to civilized society."

The intentions of the Mexican Government toward these Indians were wise and humane. At this distance of time, and in face of the melancholy facts of the Indians' subsequent history, it is painful to go over the details of the plans devised one short half century ago for their benefit. In 1830 there were in the twenty-one missions in California some 20,000 or 30,000 Indians living comfortable and industrious lives under the control of the Franciscan fathers. The Spanish colonization plan had, from the outset, contemplated the turning of these mission establishments into pueblos as soon as the Indians should have become sufficiently civilized to make this feasible. The Mexican Government, carrying out the same general plan, issued in 1833 an act called the secularization act, decreeing that this change should be made. This act provided that the Indians should have assigned to them cattle, horses, and sheep from the mission herds; also lands for cultivation. One article of Governor Figueroa's regulations for the carrying out of the secularization act provided that there should be given to every head of a family, and to all above twenty-one years of age, though they had no family, a lot of land not exceeding 400 varas square, nor less than 100. There was also to be given to them in common enough land for pasturing and watering their cattle. Another article provided that one-half the cattle of each mission school should be divided among the Indians of that mission in a proportionable and equitable manner; also one-half of the chattels, instruments, seeds, &c. Restrictions were to be placed on the disposition of this property. The Indians were forbidden "to sell, burden, or alienate under any pretext the lands given them. Neither can they sell the cattle." The commissioners charged with the carrying out of these provisions were ordered "to explain all the arrangements to the Indians with suavity and patience"; to tell them that the lands and property will be divided among them so that each one may "work, maintain, and govern himself without dependence on any one." It was also provided that the rancherias (villages) situated at a distance from the missions, and containing over twenty-five families, might, if they chose, form separate pueblos, and the distribution of lands and property to them should take place in the same manner provided for those living near the missions.

These provisions were in no case faithfully carried out. The administration of the Missions' vast estates and property was too great a temptation for human nature, especially in a time of revolution and misrule. The history of the thirteen years between the passing of the secularization act and the conquest of California is a record of shameful fraud and pillage, of which the Indians were the most helpless victims. Instead of being permitted each one to work, maintain, and govern himself without dependence on any one, as they had been promised, their rights to their plats of land were in the majority of cases ignored; they were forced to labor on the mission lands like slaves; in many instances they were hired out in gangs to cruel masters. From these cruelties and oppressions they fled by hundreds, returning to their old wilderness homes. Those who remained in the neighborhood of the pueblos became constantly more and more demoralized and were subjected to every form of outrage. By a decree of the Los Angeles aqumiento, about the time of our taking possession of California, all Indians found without passes, either from the alcalde of the pueblos in which they lived, or from their "masters [significant phrase], were to be treated as horse-thieves and enemies." At this time there were, according to Mr. Wilson's report, whole streets in Los Angeles where every other house was a grog-shop for Indians; and every Saturday night the town was filled with Indians in every stage of intoxication. Those who were helpless and insensible were carried to the jail, locked up, and on Monday morning bound out to the highest bidder at the jail gates. "The Indian has a quick sense of justice," says Mr. Wilson, "he can never see why he is sold out to service for an indefinite period for intemperance, while the white man goes unpunished for the same thing, and the very richest and best men, to his eye, are such as tempt him to drink, and sometimes will pay him for his labor in no other way." Even the sober and industrious and best skilled among them could earn but little, it having become a custom to pay an Indian only half the wages of a white man.

From this brief and necessarily fragmentary sketch of the position and state of the Mission Indians under the Mexican Government at the time of the surrender of California to the United States, it will be seen that our Government received by the treaty of Guadalupe Hidalgo a legacy of a singularly helpless race in a singularly anomalous position. It would have been very difficult, even at the outset, to devise practicable methods of dealing justly with these people and preserving to them their rights. But with every year of our neglect the difficulties have increased and the wrongs have been multiplied, until now, it is, humanly speaking, impossible to render to them full measure of justice. All that is left in our power is to make them some atonement. Fortunately for them, their numbers have greatly diminished. Suffering, hunger, disease, and vice have cut down more than half of their numbers in the last thirty years; but the remnant is worth saving. Setting aside all question of their claim as a matter of atonement for injustice done, they are deserving of help on their own merits. No one can visit their settlements, such as Aqua Caliente, Saboba, Cahuilla Valley, Santa Ysabel, without having a sentiment of respect and profound sympathy for men who, friendless, poor, without protection from the law, have still continued to work, planting, fencing, irrigating, building houses on lands from which long experience has taught them that the white man can drive them off any day he chooses. That drunkenness, gambling, and other immoralities are sadly prevalent among them cannot be denied; but the only wonder is that so many remain honest and virtuous under conditions which make practically null and void for them most of the motives which keep white men honest and virtuous.

Having thus given as brief a presentation as possible of the general situation and nature of these Indians, we will proceed to state what, to the best of our judgment, are the steps which ought to be taken by the United States Government in their behalf. The descriptions of the most important villages we visited, and the detailed accounts of circumstances and situations on which our suggestions are based, are given for convenience of reference in separate exhibits.

1st. The first and most essential step, without which there is no possibility of protecting these Indians, or doing anything intelligently for them, is the determining, resurveying, rounding out, and distinctly marking their reservations already existing. The only way of having this done accurately and honestly is to have it done by a surveyor who is under the orders and constant supervision of an intelligent and honest commissioner; not by an independent surveyor, who runs or "floats" reservation lines where he and his friends or interested parties choose, instead of where the purpose of the United States Government, looking to the Indians' interests, had intended. There have been too many surveys of Indian reservations in Southern California of this sort. (See Exhibits C, H, I, J, L.) All the reservations made in 1876, and that comprises nearly all now existing, were laid off by guess by the surveyor in San Diego on an imperfect county map. These sections, thus guessed at by the surveyor, were reported by the Commissioner to the Interior Department, set aside by Executive order, and ordered to be surveyed. When the actual survey came to be made, it was discovered that in the majority of cases the Indian villages intended to be provided for were outside the reservation lines, and that the greater part of the lands set apart were wholly worthless. The plats of these

reservations are in the surveyor-general's office at San Francisco. On each of them was marked by the surveyor an additional line in color, showing what tracts ought to be added to take in the Indian villages and fields. So far as we could learn, no action was taken in regard to these proposed additions.

The reservation lines, when thus defined, should be marked plainly and conspicuously by monuments and stakes, leaving no room for doubt. A plat of each reservation should then be given to the Indians living on it. It was pathetic, in our visits to village after village, to hear the Indians' request reiterated for this thing—"a paper to show to the white men where their lands were." Every fragment of writing they had ever received, which could by any possibility bear on their title to their lands, they had carefully preserved; old tattered orders from Army officers thirty years back, orders from justices of the peace, &c., all worthless of course, but brought forward with touching earnestness to show us. In no single instance had the reservation lines ever been pointed out to them. One band, the Sequan Indians, who had never seen any agent, said they had been told that they were on a reservation, but they did not know if it were true or not. They had been obliged to give up keeping stock, because they could not find any place where the whites would let them pasture cattle. (See Exhibit J.)

There are some settlements of Indians on Government lands not set off as reservations, in some instances not surveyed. These tracts should all be surveyed, their boundaries marked, and the lands withdrawn from market to be permanently set aside for the Indians' use. We use the term "rounding out" in regard to these reservations chiefly on account of the complication which results from their being in some cases within the limit of railroad grants, and made subsequent to those grants. Some are actually within the limits of the Southern Pacific Railroad grant; others will be within the limits of the Texas Pacific grant, should that be confirmed. The odd sections thus belonging to the railroads should be secured to the Indians. There are also a few claims to land within reservation boundaries, which are legal on account of their having been made before the reservations were set off. These should be extinguished. (See Exhibit O.)

2d. All white settlers now on reservations should be removed. For the last four years stray settlers have been going in upon reservation tracts. This is owing to the lack of boundary definitions and marks as aforesaid, also to the failure of the surveys to locate the reservations so as to take in all the ground actually occupied by Indian villages. Thus, in many instances, the Indians' fields and settlements have been wrested from them, and they in their turn have not known where they could or could not go. There is not a single reservation of any size which is free from white settlers. It would seem that agents in charge of these Indians should have been authoritatively instructed in no case to allow squatters to settle on lands known to be within reservation lines, whether they were occupied by Indians or not. (See Exhibits H, I, O.)

The amount of land set off in Indian reservations in Southern California appears by the record to be very large, but the proportion of it which is really available is very small. San Diego County itself is four-fifths desert and mountain, and it is no exaggeration to say that the proportion of desert and mountain in the reservation is even larger than this. By thus resurveying, rounding out, and freeing from white settlers the present reservations, adding to them all Government lands now actually in occupation by Indians, there will be, according to the best of our judgment, nearly land enough for the accommodation of all the Mission Indians, except those whose settlements are on grants.

3d. In regard to this latter class, *i. e.*, those whose villages are now within the boundaries of confirmed grants, the Government has to choose between two courses of action; either to remove them and make other provisions for them, or to uphold and defend their right to remain where they are. In support of the latter course we believe a strong case could be made out, and we have secured from one of the ablest firms in Southern California a written legal opinion on this point. (See Exhibit A.) It seems clear that this contest should be made by the Government itself. It is impossible for these poverty-stricken and ignorant people to undertake, on their own account and at their own expense, the legal settlement of this matter. It would be foolish to advise it; inhuman to expect it. A test case could be made which would settle the question for all. (See Exhibit B.) In case the decision be favorable to the Indians remaining, the ranch owners should then be called on to mark off the boundaries of the Indians' lands according to the California State law governing such cases. (See Exhibit B.) Whether the lands thus reverting to the Indians could properly be considered as Government lands or not would be a question to be determined. Probably the surest way of securing them for the Indians' permanent use would be to consider them as such and have them defined as reservations by act of Congress.

4th. And this brings us to our fourth recommendation, which is, that all these Indians' reservations, those already set off by Executive order, and all new ones made for them, whether of Government lands now in their occupation, or of lands which may be hereafter by legal process reclaimed for them from the grant lands on which they are

now living, be patented to the several bands occupying them; the United States to hold the patent in trust for the period of twenty-five years; at the expiration of that time the United States to convey the same by patent to said Indians, as has been done for the Omaha Indians. The insecurity of reservations made merely by Executive order is apparent, and is already sadly illustrated in Southern California by the history of the San Pasquale Reservation, that of Aqua Caliente, and others. The insecurity of reservations set apart by act of Congress is only a degree less. The moment it becomes the interest and purpose of white men in any section of the country to have such reservation tracts restored to the public domain, the question of its being done is only a question of influence and time. It is sure to be done. The future of these industrious, peaceable, agricultural communities ought not to be left a single day longer than is necessary, dependent on such chances, chances which are always against and never for Indians' interests in the matter of holding lands. The best way and time of allotting these Indians' lands to them in severalty must be left to the decision of the Government, a provision being incorporated in their patent to provide for such allotments from time to time as may seem desirable, and agents and commissioners being instructed to keep the advantages of this system constantly before the Indians' minds. Some of them are fit for it now, and earnestly desire it, but the majority are not ready for it. The communal system, on which those now living in villages use their lands, satisfies them, and is apparently administered without difficulty. It is precisely the same system as that on which the pueblo lands were cultivated by the early Spanish settlers in Southern California. They agree among themselves to respect each other's right of occupancy, a man's right to a field this year depending on his having cultivated it last year, and so on. It seems not to occur to these Indians that land is a thing to be quarreled over.

In the village of Aqua Caliente, one of the most intelligent of the young men was so anxious to show us his fields that we went with him a little distance outside the village limits to see them. He had some eight acres in grain, vine, and fruit trees. Pointing first in one direction, then in another, he indicated the places where his ground joined other men's ground. There was no line of demarkation whatever, except it chanced to be a difference of crops. We said to him, "Alessandro, how do you know which is your land and which is theirs?" He seemed perplexed, and replied: "This was my mother's land. We have always had it." "But," we persisted, "suppose one of these other men should want more land and should take a piece of yours?" "He couldn't," was all the reply we could get from Alessandro, and it was plain that he was greatly puzzled by the suggestion of the possibility of neighbors trespassing on each other's cultivated fields.

5th. We recommend the establishment of more schools. At least two more are immediately needed, one at the Rincon, and one at Santa Ysabel. (See Exhibits G, L.) As the reservations are gradually cleared, defined, and assured for the Indians' occupancy, hundreds of Indians who are now roving from place to place, without fixed homes, will undoubtedly settle down in the villages and more schools will be needed. It is to be hoped, also, that some of the smaller bands will unite with the larger ones for the sake of the advantages of the school, and other advantages of a larger community. The isolated situation of many of the smaller settlements is now an insuperable difficulty in the way of providing education for all the children. These Indians are all keenly alive to the value of education. In every village that we visited we were urged to ask the Government to give them a school. In one they insisted upon ranging the children all in rows that we might see for ourselves that there were children enough to justify the establishing of a school.

In this connection we would suggest that if a boarding and industrial school, similar to those at Hampton and Carlisle, could be established in Southern California, it would be of inestimable value, and would provide opportunities for many children who, owing to the isolation of their homes, could not be reached in any other way.

We would further suggest that, in our judgment, only women teachers should be employed in these isolated Indian villages. There is a great laxity of morals among these Indians, and in the wild regions where their villages lie the unwritten law of public sentiment, which in more civilized communities does so much to keep men virtuous, hardly exists. Therefore the post of teacher in these schools is one full of temptations and danger to a man. (See Exhibit M.) Moreover, women have more courage and self-denying missionary spirit, sufficient to undertake such a life, and have an invaluable influence outside their school-rooms. They go familiarly into the homes, and are really educating the parents as well as the children in a way which is not within the power of any man, however earnest and devoted he may be.

We would also suggest that great good might be accomplished among these Indians by some form of itinerary religious and educational labor among them. In the list of assignments of Indian agencies to different religious denominations, as given in the report of the Indian Bureau for 1882, the Mission agency is assigned to the Evangelical Lutheran; but we could not learn that this denomination had done any work among them. So far as the Mission Indians have any religion at all they are Catholics. In

many of the villages are adobe chapels, built in the time of the missions, where are still preserved many relics of the mission days, such as saints' images, holy-water kettles, &c. In these chapels, on the occasions of the priest's visits, the Indians gather in great numbers, women sometimes walking two days' journey, bringing their babies on their backs to have them baptized. There are also in several of the villages old Indians, formerly trained at the missions, who officiate with Catholic rites at funerals, and on Sundays repeat parts of the mass. As these Indians are now situated in isolated settlements, so far apart and so remote from civilized centers, the only practicable method of reaching them all would be by some form of itinerary labor. A fervent religious and practical teacher who should spend his time in going from village to village, remaining in each a few days or weeks, as the case might be, would sow seed which would not cease to grow during the intervals of his absence. If he were a man of sound common sense and knowledge of laws of life, fitted to instruct the Indians in matters of hygiene, cleanliness, ventilation, &c., and in a few of the simple mechanical arts, as well as in the doctrines of religion and morality, he would do more for the real good of these people at present than can be accomplished by schools.

6th. The suggestion of the value of itinerary labor among the Indians leads to our next recommendation, which we consider of great importance, viz, that it should be made the duty of any Government agent in charge of the Mission Indians to make a round of inspection at least twice a year, visiting each village or settlement, however small. In no other way can anything like a proper supervision of these Indians' interests be attained. This proof of the Government's intention to keep a sharp eye on all that might occur in relation to the Indians would have a salutary moral effect, not only on the Indians but on the white settlers in their neighborhood. It would also afford the means of dealing with comparative promptitude with the difficulties and troubles continually arising. As it is now, it is not to be wondered at that the Indians feel themselves unprotected and neglected, and the white settlers feel themselves safe in trespassing on Indians' property or persons. In some of the villages where pre-emption claims have been located within the last four years no agent has ever been. It is safe to say that had an agent been on the ground each year, with the proper authority to take efficient measures, much of the present suffering and confusion would have been prevented. In the case, for instance, of the Los Coyotes village, filed on a few months ago (see Exhibit F), there was no reason why those lands should not have been set apart for the Indians long ago, had their situation been understood; so in the San Ysidro case, and others. The whole situation of an agent in regard to the Mission Indians is totally different from that of ordinary agency on a reservation. The duties of an Indian agent on a reservation may be onerous, but they are in a sense simple. His Indians are altogether, within comparatively narrow limits, and, so to speak, under his hand, and dependent largely on the Government. The Mission Indians, on the contrary, are scattered in isolated settlements thirty, forty, a hundred miles away from the agency headquarters, many of them in regions difficult of access. Moreover, the Indians are in the main self-supporting and independent. Protection or oversight worth anything to them can only be given by a systematic method of frequent visitation.

What is true in this respect of the agent's work is, if possible, still truer of the physician's. If there is to be an agency physician for the Mission Indians at all he should be a young, strong, energetic man, who is both able and willing to make at least four circuits a year through the villages, and who will hold himself bound to go when called in all cases of epidemics, serious illness, or accidents occurring among Indians within one day's journey of the agency headquarters. Whatever salary it is necessary to pay to secure such service as this should be paid, or else the office of agency physician to the Mission Indians should be abolished. Anything less than this is a farce and a fraud.

7th We recommend that there be secured the appointment of a lawyer, or a law firm in Los Angeles, to act as special United States attorney in all cases affecting the interests of these Indians. They have been so long without any protection from the law that outrages and depredations upon them have become the practice in all white communities near which they live. Indians' stock is seized, corraled, and held for fines, sometimes shot, even on the Indians' own reservation or in the public domain. In seasons of dearth roving stockmen and shepherds drive their herds and flocks into Indians' grain fields, destroying their subsistence for a whole year. Lands occupied by Indians or by Indian villages are filed on for homestead entry precisely as if they were vacant lands. This has been more than once done without the Indians receiving any warning until the sheriff arrived with the writ for their ejectment. The Indians' own lives are in continual danger, it being a safe thing to shoot an Indian at any time when only Indian witnesses are present. (See Exhibits C, E.) It is plain that all such cases as these should be promptly dealt with by equal means. One of the greatest difficulties in the position of the Mission Indians' agent is, that in all such cases he is powerless to act except through the at best slow and hitherto unsatisfactory channel of reporting to the Interior Department. He is in the embarrassing position of a guardian of wards with

property and property rights, for the defense of which he is unable to call in prompt legal assistance. In instances in which the Indians themselves have endeavored to get redress through the courts, they have, in the majority of cases, to the shame of the Southern California bar be it spoken, been egregiously cheated. They are as helpless as children in the hands of dishonest, unscrupulous men. We believe that the mere fact of there being such a United States legal authority near at hand to act for the Indians would in a short time, after a few effective illustrations of its power, do away with the greater proportion of the troubles demanding legal interference.

The question of the rights of Indians living on grant lands to remain there will, if the Department decides to test it by law, involve some litigation, as it will no doubt be contested by the ranch owners; but this point once settled and the Indians secured in the ownership of their lands, a very few years will see the end of any special need of litigation in their behalf. We recommend in this connection and for this office the firm of Brunson & Wells, of Los Angeles. We have obtained from this firm a clear and admirable opinion on these Indians' right to their present homes (see Exhibit A), and we know them to be of high standing at the bar and to have a humane sympathy for Indians.

8th. We recommend that there should be a judicious distribution of agricultural implements among these Indians. No village should be omitted. Wagons, harness, plows, spades, and hoes are greatly needed. It is surprising to see what some of these villages have accomplished with next to no implements. In the Santa Ysabel village the Indians had 300 acres in wheat; there were but three old broken plows in the village, no harness, and no wagon. (See Exhibit G.) There is at present much, and not unfounded, sore feeling in some of the villages which have thus far received no help of this kind, while others of the villages have been supplied with all that was needed.

9th. There should always be provided for the Mission Indians' agency a small fund for the purchase of food and clothing for the very old and sick in times of especial destitution. The Mission Indians as a class do not beg. They are proud-spirited, and choose to earn their living. They will endure a great deal before they will ask for help. But in seasons of drought or when their little crops have, for any cause, failed, there is sometimes great distress in the villages. Last winter the Cahuillas, in the Cahuilla Valley (see Exhibit C), were for many weeks without sufficient food. The teacher of their school repeatedly begged them to let her write to the agent for help, but they refused. At last one night the captain and two of the headmen came to her room and said she might write. They could no longer subdue the hunger. She wrote the letter; the next morning at daylight the Indians were at her door again. They had reconsidered it, they said, and they would not beg. They would rather starve, and they would not permit her to send the letter.

10th. The second and third special points on which we were instructed to report to the Department were, whether there still remains in Southern California any Government land suitable for an Indian reservation, and if not, in case lands must be bought for that purpose, what lands can be most advantageously purchased. There is no Government land remaining in Southern California in blocks of any size suitable for either white or Indian occupancy. The reason that the isolated little settlements of Indians are being now so infringed upon and seized, even at the desert's edge and in stony fastnesses of mountains, is that all the good lands, *i. e.*, lands with water or upon which water can be developed, are taken up.

We recommend two purchases of land: one positively, the other contingently. The first is the Pauma ranch, now owned by Bishop Mora, of Los Angeles. (See Exhibit P.) This ranch, lying as it does between the Rincon and Pala Reservations on the north and south and adjoining the La Jolla Reservation, affords an admirable opportunity to consolidate a large block of land for Indian occupancy. It is now, in our opinion, a desirable tract. While it is largely hilly and mountainous, there is considerable good sheep and cattle pasturing on it and a fair amount of bottom land for cultivation along the river. The price asked for it is, as lands are now selling in Southern California, low. If the already existing reservations are cleared of whites, unified, and made ready for Indian occupancy, and the Government lands now in actual occupation by Indians be assured to them, the addition of this Pauma ranch will be, in our opinion, all that will be required to make comfortable provision for all the Indians, except those living within the boundaries of confirmed grants.

Should the Department decide to remove all these and provide them with new homes, we recommend the purchase of the Santa Ysabel ranch. (See Exhibit Q.) The purchase of this ranch for an Indian reservation was recommended to the Government some years ago, but it was rejected on account of the excessive price asked for it. It is now offered to the Government for $95,000. During the past ten years the value of lands in Southern California has in many places quadrupled; in some it is worth more than twenty times what it was then. We have no hesitation in saying that it is not now possible to buy an equally suitable tract for any less money. The ranch contains 17,719.40 acres; is within the rain belt of San Diego County; is well watered, and,

although it is largely mountainous, has good pasture, some meadow land, and some oak timber. It is, moreover, in the region to which the greater proportion of these Indians are warmly attached and in the vicinity of which most of them are now living. One large Indian village is on the ranch. (See Exhibit G.) Father Ubach, the Catholic priest of San Diego, who has known these Indians for seventeen years, says of it, "it is the only tract to which human power can force these Indians to remove." We recommend this purchase as a last resort in the event of the Department's being compelled to provide new homes for all the Indians now living within the boundaries of confirmed grants.

In conclusion, we would make the suggestion that there are several small bands of Mission Indians north of the boundaries of the so-called Mission Indians' Agency, for whom it would seem to be the duty of the Government to care as well as for those already enumerated One of these is the San Carlos Indians, living near the old San Carlos Mission at Monterey. There are nearly one hundred of these, and they are living on lands which were given to them before the secularization act of 1834. These lands are close to the boundaries of the ranch San Francisquito of Monterey. These boundaries have been three times extended, each time taking in a few more acres of the Indians' lands, until now they have only ten or twelve acres left. There are also some very destitute Indians living in the neighborhood of the San Antonio Mission, some 60 miles south of Monterey, and of San Miguel, 40 miles farther south, and of Santa Suez near Santa Barbara. These Indians should not be overlooked in arrangements made for the final establishing of the Mission Indians in Southern California.

Hoping that these recommendations may be approved by the Department, we are, very respectfully, yours,

HELEN JACKSON.
ABBOT KINNEY.

Hon. H. PRICE,
Commissioner of Indian Affairs.

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EXHIBIT A.

LOS ANGELES, CAL., *May* 12, 1883.

SIR: In response to your verbal request asking our opinion as to the following questions, viz:

1st. Have civilized Indians and those who are engaged in agriculture or labor of any kind, and also those who are known as Pueblos or Rancheros Indians in California, a right to occupy and possess lands which they and their predecessors had continuously occupied, possessed, and enjoyed while said lands were under the jurisdiction of the Mexican Government, up to and at the date of the ratification of the treaty Guadalupe Hidalgo between the United States and the Mexican Republic, March, 1848, notwithstanding that said lands so occupied and enjoyed by the Indians aforesaid had been while they were so occupying and possessing the same, by the proper Spanish and Mexican authorities before the ratification of said treaty granted to certain Span-

ish and Mexican citizens, and since the acquisition by the United States of the territory embracing said lands so granted been by the United States confirmed, surveyed, and patented to the grantees or their legal representatives?

2d. Has the United States Government the right to condemn lands within the State of California for the purpose of giving Indians homes thereon?

We have the honor to submit the following as our reply and answer to the above interrogatories. Before and at the date of the treaty of Guadalupe Hidalgo, all the territory now known as California was a part of and under the jurisdiction of the Mexican Republic. We do not regard it as necessary in order to answer the questions propounded to give a history of the land laws of Spain and Mexico, nor the method of acquiring land prior to August 18, 1824.

On August 18, 1824, the Mexican Congress enacted a general colonization law prescribing the mode of granting lands throughout the Mexican territory. This law was limited and defined by a series of regulations ordained by the Mexican Government, November 21, 1828. By these laws and regulations, which have ever since continued in force, the governors of Territories were authorized to grant with certain specified exceptions vacant land. By the fundamental laws of 1824, the regulations of 1824, and the regulations of the departmental legislature consistent therewith, all Mexican grants in California have been determined, and by this have been determined the validity of every grant of land in California. (Lesse and Vallejo *vs.* Clark, 3 Cal., 17.) The limitations, as well as the fundamental laws mentioned, provided that in making grants or distribution of land (such as are now known as Mexican grants)—

1st. It must be vacant land, and if occupied by Indians then without prejudice to them.

2d. That such land as would be granted to the damage and injury of the Indians should be returned to the rightful owners.

The Mexican Government reserved from private grant all lands occupied and possessed by the Indians. Great care was taken to make strict reservation of such land, and by law no valid grant of land occupied or possessed by Indians could be made so as to dispossess them. When California was ceded to the United States the rights of property of its citizens remained unchanged. By the law of nations those rights were sacred and inviolable, and the obligations passed to the new government to protect and maintain them. The term property, as applied to lands, embraces all titles, legal or equitable, perfect or imperfect. (Teschemacher *vs.* Thompson, 18 Cal., 12.) The United States never had, and does not now possess, any power under or by virtue of said treaty whereby it could or can confer upon a citizen holding and claiming property granted by the Mexican Government other or different property rights than those conferred by such Government, and such as were possessed, enjoyed, and held by him while under the jurisdiction of such Government. It cannot abridge or enlarge the right to enjoy and to possess property held by virtue of Mexican law at the date of said treaty, nor can it deprive persons of any right to property which belonged to them at the date of said treaty.

A mere grant of land by the Mexican governor without compliance by the grantee with the further requisitions of the Mexican laws forms but an inchoate title, and the land passed to the United States, which hold it subject to the trust imposed by the treaty and the equities of the grantee. *The execution of the trust is a political power.* (Lesse *vs.* Clark, 3 Cal., 17.)

By the fundamental laws of 1824, the regulation of 1828, and the regulation of the departmental legislature, one condition was that in making private grants of lands the lands granted must be vacant lands. Lands occupied by and in possession of Indians were not such vacant lands, for by the same laws and regulations it was provided that such grants must be without prejudice or damage to the Indians, and that such land granted to the damage and injury of the Indians should be returned to the rightful owners. (New Code, law 9, title 12, book 4.)

The Mexican authorities recognized the rights of Indians to hold, enjoy, and possess lands, and there are of record a number of grants made by the Mexican authorities to Indians. They not only had the right to receive grants of land under the Mexican laws, but also to convey the lands so granted. (United States *vs.* Sinnol, Hoffman's Reports, 110.)

It will be observed that at the date when private grants of land were made with some regard for law, the limitation and conditions required by law to be observed were inserted in such grants, viz: L. C., No. 342-6, S. D., 398; L. C., No. 254-219, S. D., 228-407; L. C., No. 740-372, N. D., 208; L. C., No. 326-359, N. D., 389; Hoffman's Report land cases, pp. 25 *et seq.*; surveyor-general's letter, dated San Francisco, March 14, 1883, and addressed to Mrs. Wm. S. Jackson.

The Indians and their descendants, who occupied and now occupy lands within the grants above named, as well as grants containing claims of a similar character, are in our opinion possessed and seized of the lands which were and have been and now are in their possession, and they can hold the same against persons claiming the same by

virtue of a United States patent, issued upon a confirmed Mexican grant. This leaves to be answered the following question: Can the Indians hold lands for which a United States patent has issued conditioned as set out in the first question, provided no conditions or limitations are contained or expressed in the grant? This is a question beset and surrounded by many difficulties, nor do we deem it necessary to do more than refer to restrictions and limitations contained in the laws of Mexico concerning private grants of lands upon which Indians were residing, lands which were occupied by them. It is certain that if such lands were granted by a Mexican official, and the authorities omitted to recite the conditions and limitations required by law, and reserve from the operation of such grant such lands as the law conditioned could not be conveyed by such grant, such a grant would and could not take it out of the operation of the law. It could not defeat the rights of those whose rights attached by reason of law. If the officers of the Mexican Government to whom was confided the trust exceeded their authority as regulated by the solemnities and formalities of the law, the courts are bound to take notice of it and cannot shield those claiming under such title from the necessary consequence of ignorance, carelessness or arbitrary assumption of power. (Lesse & Vallejo *vs.* Clarke, 3 Cal., 17.)

It is now necessary to inquire how far and to what extent will the issuance to the grantee of the United States patent change or modify this rule. We shall not discuss, as we do not deem it necessary, the decision of the United States Supreme Court that "a United States patent cannot be attached collaterally, but may be by a direct proceeding," as we did not regard these decisions as in any way affecting the question submitted and now before us.

In 1851, March 3, Congress passed an act entitled "An act to ascertain and settle the private land claims in the State of California." By said statute it was enacted "that it shall be the duty of the commission herein provided for to ascertain and report to the Secretary of the Interior the tenure by which the Mission lands are held, and those held by civilized Indians, and those who are engaged in agriculture or labor of any *kind*, and also those which are *occupied* and cultivated by Pueblos or Rancheros Indians. (U. S. Statutes at Large, vol. 9, p. 634, sec. 16, Little & Brown's ed.) We have no means of ascertaining whether such a report was made, or if made, its contents. We have no doubt the commission did their duty and complied with the law, and that their report will be found on file in the Department of the Interior. This report, if in our hands, would greatly aid us in reaching a correct conclusion. By the same act it is further provided that the patent of the United States issued to parties holding Mexican grants is conclusive between the United States and the said claimants only, and shall not affect the interest in that person. (*Ib.*, p. 634.) If the report of the commission established the fact that the Indians were residing upon and occupying lands within the boundaries of claimed grants, which grants have no conditions or limitation inserted therein that they claimed such lands by virtue of the laws of Mexico, this evidence, with such other evidence as we understand can be furnished, is in our opinion enough to establish under the law, as we regard it, a right in the Indians to hold and occupy such lands against the confirmee or patentee. If, however, no such report has been made, we are of the opinion, if conclusive evidence can be furnished proving that these Indians were in possession of these lands at the time these grants were made by the Mexican authorities, that they continued in possession, and were in possession at the date of the treaty, and have since continued in possession, the law will entitle them to hold such land against all persons claiming under the patent.

We answer the second question propounded as follows:

By the fifth amendment to the Constitution of the United States it is provided: * * * "Nor shall private property be taken for public use without just compensation." Would the taking of land belonging to citizens for the purpose of giving the same to Indians be such a public use as is contemplated by the Constitution? We are of the opinion it would not. (Walter *vs.* Warner, 25 Mo., 277; Board of Education *vs.* Hockman, 48 Mo., 243; Buffalo and New York Railroad Company *vs.* Brannan, 9 N. Y., 100; Bradley *vs.* New York, &c., Railroad Company, 21 Conn., 294; Fisher *vs.* Horicon Iron Work, &c., Company, 10 Wis., 354; New Orleans and Railroad Company *vs.* Railroad Company, 53 Ala., 211; Conn *vs.* Horrigan, 2 Allen, 159; Chambers *vs.* Sattuler, 40 Cal., 497; Railroad Company *vs.* City of Stockton, 41 Cal., 149; Channel Company *vs.* Railroad Company, 51 Cal., 269; Gilmer *vs.* Lime Point, 18 Cal., 229; Conn *vs.* Tewksbury, 11 Metcalf, 55; Manufacturing Company *vs.* Head, 56 N. H., 386; Olmstead *vs.* Camp, 33 Conn., 532; Buckman *vs.* Saratoga Railroad Company, 3 Paige Ch., 45; Memphis Freight Company *vs.* Memphis, 4 Cold., 419; Enfield Toll Bridge Company *vs.* Hartford Railroad Company, 17 Conn., 42.)

We are, very respectfully,

BRUNSON & WELLS,
Attorneys at Law.

ABBOTT KINNEY, Esq.,
Los Angeles, Cal.

EXHIBIT B.

SABOBA.

Saboba is the name of a village of Indians of the Serrano tribe, one hundred and fifty-seven in number, living in the San Jacinto Valley, at the base of the San Jacinto Mountains, in San Diego County. The village is within the boundaries of a Mexican grant, patented to the heirs of J. Estudillo, January 17, 1880. The greater part of the grant has been sold to a company which, in dividing up its lands, allotted the tract where the Saboba village lies to one M. R. Byrnes, of San Bernardino, who proposes to eject the Indians unless the United States Government will buy his whole tract of 700 acres at an exorbitant price. The Saboba village occupies about 200 acres, the best part of Mr. Byrne's tract. The Indians have lived in the place for over a hundred years. They have adobe houses, fenced fields and orchards, and irrigating ditches. There is in the village a never-failing spring, with a flow of about 25 miner's inches. It is claimed by the Indians that the first surveys did not take in their village. This is probably true; the resurveying of grants and "floating" their lines so as to take in lands newly discovered to be of value, and leave out others discovered to be worthless, being a common practice in California. In a country where water is gold, such a spring as these Saboba Indians owned could not long escape notice or be left long in the undisturbed possession of Indians. These Indians support themselves now, and have always done so, by farming, and by going out in organized bands as sheep-shearers and vintagers. They are industrious and peaceable, and make in good seasons a fairly comfortable living. They formerly kept stock, but since the new occupancy, alloting and fencing of the valley, have been obliged to give it up. There is a Government school in this village, numbering from thirty to forty pupils, who have made remarkable progress in their studies. The school is taught by a Pennsylvania lady, formerly a teacher of the freedmen. Her gentleness and refinement have excited an influence all through the village, and her self-denying labors among the people in times of sickness and suffering have been the work of a missionary rather than of a teacher. The following letters were written by two of the children in this school, both under fourteen years of age. They were written without the teacher's knowledge or aid, and brought to her with the request that she would send them. The handwritings are clear and good:

To the President of the United States:

MR. PRESIDENT—DEAR SIR: I wish to write a letter for you, and I will try to tell you some things. The white people call San Jacinto rancho their land, and I don't want them to do it. We think it is ours, for God gave it to us first. Now I think you will tell me what is right, for you have been so good to us, giving us a school and helping us. Will you not come to San Jacinto some time to see us, the school, and the people of Saboba village? Many of the people are sick, and some have died. We are so poor that we have not enough good food for the sick, and sometimes I am afraid that we are all going to die. Will you please tell what is good about our ranches, and come soon to see us?

Your friend,

RAMON CAVAVI.

Mrs. JACKSON:

MY DEAR FRIEND: I wish to write you a letter about the American people that want to drive us away from our village of Saboba. I don't know what they can be about. I don't know why they do so. My teacher told me she was very sorry about the town, and then my teacher said, I think they will find a good place for you if you have to go; but I do hope they will not drive you away. Then it will be very good for all the people of Saboba. It is a very good town for the people. They have all the work done on their gardens, and they are very sorry about the work that is done. My work is very nicely done also. The people are making one big fence to keep the cows and the horses off their garden.

Your true friend,

ANTONIO LEON.

The Saboba Indians are greatly dispirited and disheartened at the prospect of being driven out of their homes, and feel that the Government ought to protect them. The captain of the village, a very sensible and clear-headed man, said, "If the Government says we must go, we must; but we would rather die right here than move." The right of these Indians to the tract they have so long occupied and cultivated is beyond question. That this right could be successfully maintained in the courts is the opinion of the law firm of Brunson & Wells, whose admirable paper covering all cases of this kind is given herewith. (See exhibit.)

We found 3 miles from this village on Government land a narrow cañon called Indian cañon, in which half a dozen Indian families were living. The cañon is but 5 or 6 miles long and very narrow; but it has a small, never-failing brook in it, and some good bottom land, on which the Indians had excellent wheat crops growing. The sides of it are moderately well wooded. It was surprising that so desirable a nook had been overlooked or omitted by the surveyors of the San Jacinto Ranch. We wrote to the Department immediately recommending its being set aside for Indians' use. In another beautiful cañon, also with a never-failing stream running through it, we found living the old chief, Victoriano, nearly one hundred years old. The spot was an oasis of green, oak and willow trees, a wheat field, and apricot orchard and vineyard, the latter planted by Victoriano's father. This place has been given by Victoriano to his grandson, who we were told is taking steps to secure it to himself under the Indian homestead act.

EXHIBIT C.

THE CAHUILLA RESERVATION.

The Cahuilla Valley is about 40 miles from Saboba, high up among the peaks and spurs of the San Jacinto Mountains; a wild, barren, inaccessible spot. The Cahuilla village, situated here, was one of the most interesting that we visited, and the Indians seemed a clear-headed, more individual and independent people than any other we saw. This is partly due to their native qualities, the tribe having been originally one of the most warlike and powerful in the country, as is indicated by their name, which signifies "master." The isolation of this village has also tended to keep these Indians self-respecting and independent. There is no white settlement within 10 miles, there being comparatively little to tempt white men into these mountain-fastnesses. The population of the village numbers from one hundred and fifty to two hundred. The houses are of adobe, thatched with reeds; three of the houses have shingled roofs, and one has the luxury of a floor. These Indians make the greater part of their living by stock-raising. They also send out a sheep-shearing band each year. They have sixteen fields, large and small, under cultivation, and said they would have had many more except for the lack of plows, there being but one plow for the whole village. They raise wheat, barley, corn, squashes, and watermelons. Sometimes the frost kills the corn, and occasionally the grasshoppers descend on the valley, but aside from these accidents their crops do well. All through the village were to be seen their curious out-door granaries—huge baskets made of twisted and woven twigs and set up on poles. The women were neatly dressed, the children especially so, and the faces of all, men, women, and children, had an animation and look of intellectual keenness very uncommon among the Southern California Indians. On the outskirts of the village is a never-failing hot spring. In this water the Indians, old and young, are said to be continually bathing. It was the Indians' impression that the lines of their reservation ran directly through the center of this hot spring. They had been told so by some white men, but they knew nothing certainly. The lines had never been shown to them. On subsequent examination at the surveyor-general's office in San Francisco, we discovered that this spring and the village itself are entirely outside the reservation lines; also that another Indian settlement called Duasno, a few miles distant, and intended to have been included in the reservation, is outside the lines. The Cahuilla Reservation stands recorded as containing 26 sections of land; so far as we could judge of the region, it seemed to us a generous estimate to say that there might be possibly 500 acres of cultivateable land in it. In good years there would be considerable pasturage on the sides of the mountains; but far the greater part of the tract is absolutely worthless, being bare and stony mountains. The Cahuillas, however, are satisfied with it. They love the country and would not exchange it for fertile valleys below. They said that they would be perfectly contented if the Government would only mark their land off for them, and set up boundaries so that they could know where they might keep their own stock and keep the white men's stock out. All they asked for in addition to this was some harnesses, wagons, and agricultural implements, especially plows. Of these last the captain reiterated, and was not satisfied till he saw the figures written down, that ten was the smallest number that would be sufficient for the village.

A few rods from the hot spring there stood a good adobe house, shut up, unoccupied. The history of this house is worth telling, as an illustration of the sort of troubles to which Indians in these remote regions, unprotected by the Government, and unable to protect themselves, are exposed. Some eight years ago the Cahuillas rented a tract of their land as pasture to two Mexicans named Machado. These Machados, by permission of the Indians, built this adobe house, and lived in it when looking after their stock. At the expiration of the lease the house was to be the property of the Indians.

When the Machados left they said to the Cahuilla captain, "Here is your house." The next year another man named Thomas rented a pasture tract from the Indians and also rented this house, paying for the use of it for two years six bulls, and putting into it a man named Cushman, who was his overseer. At the end of the two years Thomas said to the Cahuillas, "Here is your house; I now take my cattle away." But the man Cushman refused to move out of the house; said it was on railroad land which he had bought of the railroad company. In spite of the Indians' remonstrances he lived on there for three or four years. Finally he died. After his death his old employer, Thomas, who had once rented this very house from the Indians, came forward, claimed it as his own, and has now sold it to a man named Parks. Through all this time the Indians committed no violence on the trespassers. They journeyed to Los Angeles to find out from the railroad company whether Cushman owned the land as he said, and were told that he did not. They laid the matter before their agent, but he was unable to do anything about it. It would seem of the greatest importance in the case of this reservation, and of all others similarly placed, that the odd section claimed or owned by the railroad companies should be secured and added to the permanent reservation. Much further trouble will in this way be saved.

An incident which had occurred on the boundaries of the Cahuilla Reservation a few weeks before our arrival there is of importance as an illustration of the need of some legal protection for the Indians in Southern California. A Cahuilla Indian named Juan Diego had built for himself a house and cultivated a small patch of ground on a high mountain ledge a few miles north of the village. Here he lived alone with his wife and baby. He had been for some years what the Indians call a "locoed" Indian, being at times crazy; never dangerous, but yet certainly insane for longer or shorter periods. His condition was known to the agent, who told us that he had feared he would be obliged to shut Juan up if he did not get better. It was also well known throughout the neighboring country, as we found on repeated inquiry. Everybody knew that Juan Diego was "locoed." (This expression comes from the effect a weed of that name has upon horses, making them wild and unmanageable.) Juan Diego had been off to find work at sheep-shearing. He came home at night riding a strange horse. His wife exclaimed, "Why, whose horse is that?" Juan looked at the horse, and replied confusedly, "Where is my horse, then?" The woman, much frightened, said, "You must take that horse right back; they will say you stole it." Juan replied that he would as soon as he had rested; threw himself down and fell asleep. From this sleep he was awakened by the barking of the dogs, and ran out of the house to see what it meant. The woman followed, and was the only witness of what then occurred. A white man, named Temple, the owner of the horse which Juan had ridden home, rode up, and on seeing Juan poured out a volley of oaths, leveled his gun and shot him dead. After Juan had fallen on the ground Temple rode closer and fired three more shots in the body, one in the forehead, one in the cheek, and one in the wrist, the woman looking on. He then took his horse, which was standing tied in front of the house, and rode away. The woman, with her baby on her back, ran to the Cahuilla village and told what had happened. This was in the night. At dawn the Indians went over to the place, brought the murdered man's body to the village, and buried it. The excitement was intense. The teacher, in giving us an account of the affair, said that for a few days she feared she would be obliged to close her school and leave the village. The murderer went to the nearest justice of the peace and gave himself up, saying that he had in self-defense shot an Indian. He swore that the Indian ran towards him with a knife. A jury of twelve men was summoned, who visited the spot, listened to Temple's story, pronounced him guiltless, and the judge so decided. The woman's testimony was not taken. It would have been worthless if it had been, so far as influencing that jury's minds was concerned. Her statement was positive that Juan had no knife, nor weapon of any kind; sprang up from his sleep and ran out hastily to see what had happened, and was shot almost as soon as he had crossed the threshold of the door. The district attorney in San Diego, on being informed by us of the facts in the case, reluctantly admitted that there would be no use whatever in bringing a white man to trial for murder of an Indian under such circumstances, with only Indian testimony to convict him. This was corroborated, and the general animus of public feeling vividly illustrated to us by a conversation we had later with one of the jurors in the case, a fine, open-hearted, manly young fellow, far superior in education and social standing to the average Southern California ranchman. He not only justified Temple's killing the Indian, but said he would have done the same thing himself. "I don't care whether the Indian had a knife or not," he said; "that didn't cut any figure at all the way I looked at it. Any man that 'd take a horse of mine and ride him up that mountain trail, I'd shoot him whenever I found him. Stockmen have just got to protect themselves in this country." The fact that Juan had left his own horse, a well-known one, in the corral from which he had taken Temple's; that he had ridden the straight trail to his own door, and left the horse tied in front of it, thus making it certain that he would be tracked and caught, weighed nothing in this young man's mind. The utmost concession that he would make was finally to say, "Well, I'll

agree that Temple was to blame for firin' into him after he was dead. That was mean, I'll allow."

The account of our visit to the Cahuilla Reservation would be incomplete without a brief description of the school there. It numbers from forty to fifty scholars, and is taught by a widow who, with her little daughter ten years of age, lives in one small room built on at the end of the school-house. Part of the room is curtained off into a recess, holding bed, washstand and bureau. The rest of the room is a sitting-room, kitchen, and store-room, and barely holds the cooking stove, table, and chairs. Here alone, with her little daughter, in a village of near two hundred Indians, 10 miles from any white man's home, this brave woman has lived more than a year, doing a work of which the hours spent in the school-room are the smallest part. The Indians come to her with every perplexity and trouble; call on her for nursing when they are ill; for food when they are destitute. If she would allow it her little room could always be crowded with women and men also, eager to watch and learn. The Cahuillas have good brains, are keen, quick, and persevering. The progress that these children have made in the comparatively short time since their school was opened was far beyond that ordinarily made by white children in the same length of time. Children who two years ago did not know a letter, read intelligently in the second and third readers, spelled promptly and with remarkable accuracy, and wrote clear and legible hands, their copy-books being absolutely free from blots or erasures; some of the older pupils went creditably through a mental arithmetic examination, in which the questions were by no means easy to follow. They sang songs in fair tune and time and with great spirit, evidently enjoying this part of the exercises more than all the rest. We had carried to them a parcel of illustrated story books, very kindly contributed by some of the leading publishers in New York and Boston, and the expression of the rows of bright dark eyes as the teacher held up book after book was long to be remembered. The strain on the nervous system of teachers in such positions as this can hardly be estimated by ordinary standards. The absolute isolation, the ceaseless demand, the lack, not only of the comforts but of many of the necessities of life, all mount up into a burden which it would seem no woman could long endure. Last winter there was a snow-storm in the Cahuilla Valley lasting two days and nights. A fierce wind drove the dry snow in at every crevice of the poorly-built adobe house, like sand in a sand-storm. The first day of the storm the school had to be closed early in the day, as the snow fell so fast on books and slates nothing could be done. The last night of the storm the teacher and her little girl spent the entire night in shoveling snow out of the room. They would pile it in a blanket, open the door, empty the blanket, and then resume shoveling. They worked hard all night to keep pace with the storm. When the snowing stopped the school-room was drifted full, and for many days after was wet and damp. It would seem as if the school term in such places as this ought not to be over eight months in the year. The salaries, however, should not be reduced, for they are barely living salaries now, every necessary of life being procured at a great disadvantage in these wild regions. One of these teachers told us she had been obliged to give an Indian $1 to ride to the nearest store and bring her one dollar's worth of sugar. It was the opinion of the Cahuilla teacher (a teacher of experience at the East before her marriage) that the Indians would accomplish more in eight months than in the nine. The strain upon them also is too great—of the unwonted confinement and continuous brain work. Should this change be made the vacation should be so arranged as to be taken at the sheep-shearing season, at which times all the schools are much broken up by the absence of the elder boys.

EXHIBIT D.

THE WARNER'S RANCH INDIANS.

The tract known as Warner's ranch lies in the northern part of San Diego County, about 40 miles from the Cahuilla Valley. It contains two grants, the San José del Valle and the Valle de San José; the first containing between 26,000 and 27,000 acres, confirmed to J. J. Warner, patented January 16, 1880; the second containing between 17,000 and 18,000 acres, confirmed to one Portilla, patented January 10, 1880. The whole property is now in the possession of Governor Downey, of Los Angeles. There are said to be several conflicting claims yet unsettled. The ranch is now used as a sheep and stock ranch, and is of great value. It is a beautiful region, well watered and wooded. There are within its boundaries five Indian villages, of San Luisenos and Diegmons: Aqua Caliente, Puerta de la Cruz, Puerta de San José, San José, and Mataguay. The last four are very small, but Aqua Caliente has long been the most flourishing and influential village in the country. It was formerly set apart as a reservation but the Executive order was canceled January 17, 1880, immediately after the

patenting of the San José del Valle ranch, within the boundaries of which it was then claimed that the village lay, although to the best information we could get the first three surveys of that ranch did not take the village in. The aged captain of the Aqua Caliente Indians still preserves a paper giving a memorandum of the setting off of this reservation of about 1,120 acres for this people. It was by Executive order, 1875. He also treasures several other equally worthless papers—a certificate from a San Diego judge that the Indians are entitled to their lands; a memorandum of a promise from General Kearney, who assured them that in consideration of their friendliness and assistance to him they should retain their homes without molestation, "although the whole State should fill with white men." It is not to be wondered at that these Aqua Caliente Indians find it difficult to-day to put any faith in white men's promises.

It will be seen from the above brief statement of the situation that they have an exceedingly strong claim on the Government for protection in their rights to their lands. Since the restoration of their village and fields "to the public domain," the patenting of the ranches and their sale to Governor Downey, the Indians have been in constant anxiety and terror. Governor Downey has been considerate and humane in his course toward them and toward all the Indians on his estate. And his superintendent also is friendly in his treatment of them, permitting them all the liberty he can consistently with his duty to the ranch. He finds their labor invaluable at sheep-shearing time, and is able throughout the year to give them occasional employment. But the Indians know very well that according to the usual course of things in San Diego County they are liable any day to be ejected by process of law; and it is astonishing that under the circumstances they have so persevered in their industries of one sort and another. They have a good number of fields under cultivation. They also make saddle mats and hats out of fibrous plants; the women make baskets and lace. It is said to be the most industrious village in the county; the old captain dealing severely with any Indian found idle. They have also a small revenue from the hot springs, from which the village takes its name. These bubble up in a succession of curious stone basins in the heart of the village. They are much resorted to in summer by rheumatic and other patients, who rent the Indians' little adobe houses and pay them a small tax for the use of the waters. The Indians themselves at these times move into bush huts in a valley or cañon some 2 miles above the village, where their chief cultivated fields lie. They were very earnest to know from us if we would advise their planting more of this ground. They said they would have planted it all except that they were afraid of being driven away. This upper valley and these planting fields were said to be on Government land, but on examination of the surveyor's plats in the Los Angeles land office we could find no field-notes to indicate their location. These Indians have in use another valley called Lost Valley, some 15 miles from their village, high up in the mountains, and reached only by one very steep trail. Here they keep their stock, being no longer able to pasture it below. They were touchingly anxious to have us write down the numbers of cattle, horses, sheep each man had and report to Washington that the President might see how they were all trying to work. There are probably from one hundred and twenty-five to one hundred and fifty head of cattle owned in the village, about fifty horses, and one hundred sheep.

There is here a Government school, taught by a young German lady of excellent education and much enthusiasm in her work. At great cost and risk she has carried her piano up into these wilds, and finds it an invaluable assistance in training and influencing her pupils. It was a scene not to be forgotten, when after their exercises in reading, arithmetic, &c., in all of which they showed a really wonderful proficiency, the children crowded into the teacher's little room and sang their songs to the piano accompaniment, played by her with spirit and feeling. "My country, 'tis of thee, sweet land of liberty," was the song they seemed to like best; all unaware how little applicable to their own situation were its strains of exultant joy and freedom. In this one tiny room adjoining the school-room this young lady lives, sleeps, prepares her own food, frequently having a "cooking-class" of Indian women, whom she is teaching to make soups, bread, &c., and to do fine washing. It is impossible to put too much appreciative sympathy on these women teachers in Indian schools in Southern California. Their situation and their work are unique in isolation and difficulty.

The other Indian villages on Warner's ranch do not demand separate description, consisting of not more than half a dozen houses each, and numbering only from fifteen to thirty Indians. Each village, however, has its own captain, and its cultivated fields, orchards, &c., to which the Indians are profoundly attached, and from which it would be very hard to induce them to move, spite of their poverty, and the difficulty of making a living, as they are now placed.

During our stay at Warner's ranch the captain of the San José village had an experience which will illustrate the helplessness of these Indian farmers in Southern California. He had on a piece of Government land, a short distance from his village, a fenced wheat field of some fifty acres; it was his chief dependence for his year's sup-

port. Going away one day, he left his aged father in charge at home; the old man wandered away, and during his absence one of the roving sheep herders, of whom the country is full, broke down the fence, turned in his flock, and when Domingo came home at night the whole field was eaten close to the ground. Hearing of our being at the superintendent's house Domingo came over to ask if we could help him in the matter. The quiet, matter-of-course way in which he told the story was more impressive than any loudness of complaint would have been. He said very simply, "What can I do for food this winter?" Mr. Kinney rode over to the village, saw the field, and after some trouble found the herder, who, much frightened, said he did it by his master's orders. This master, an Italian, lived some 20 miles away, the nearest justice of the peace, 16 miles. On seeing the justice we found that nothing could be done in the way of securing damages from the sheep-owner, until two white men, residents of the county, should inspect the premises and estimate the damages. Domingo rode 16 miles in the night in a fierce storm of sleet and rain, with letters from us to white men on the ranch, asking them to do this. He was back again at daylight with a note from one of them, saying that he could not induce a man to go with him. Finally, the justice, at our request, hired two men at day's wages to go and inspect the Indian's field. They estimated the damages at about one-tenth of the real amount, and thus we were obliged to leave the matter. We afterwards received a letter from the Italian stating that he had settled with Domingo, but not mentioning the sum paid. It was plain that except for our taking hold of the affair the Indian would never have recovered a cent. This is by no means an exceptional instance.

EXHIBIT E.

THE SAN YSIDRO INDIANS.

In the San Ysidro Cañon, about 8 miles from Warner's ranch, has been living from time immemorial a band of San Luiseno Indians, numbering from fifty to seventy-five, and called by the name of their cañon. We first saw the captain of these Indians in Los Angeles, in the office of the United States court commissioner, Mr. H. T. Lee, of whose kindness and humane sympathy in dealing with all Indian matters which come under his notice it is not out of place here to make grateful mention. This Captain Pablo, with two of his headmen, had walked a three day's journey to Los Angeles to see if he could get any help in the matter of lands which had been wrested from his people. His story was a pitiful one. Some six years ago a white man named Chatham Helm had come in at the head of their cañon, 3 miles above the site of their village, taken up a homestead claim there, cutting off the greater part of their water supply and taking some of their cultivated fields, and leaving them restricted room for their stock. Since that time they have been growing poorer and poorer, but had managed to live by cultivating lands below the village near the mouth of the cañon, where there was another small stream. But now a new squatter had appeared below them and filed on all the remaining lands, including the site of the village itself. The man Helm, above them, had patented his lands, built a good house, and was keeping considerable stock. The Indians could have no water except what he permitted to come down the cañon. Three years ago one of their number had been shot dead by Helm, who was set free on the usual plea of self-defense. Since then the Indians had been in continual terror. The new squatter had threatened them with the same fate if they came near his inclosures. Between these two squatters the Indian village was completely hemmed in and cut off, and starvation stared them in the face. In fact, in the course of the last winter one little girl had actually died for want of food. Their countenances corroborated the tale. They were gaunt with hunger and full of despair. It would exceed the limits of this paper to give a full report of the interview with these Indians. It will not soon be forgotten by any one taking part in it—the solemn tones in which the Indians replied to the interpreter's questions, the intent and imploring gaze with which they studied all our faces and listened to all the words, unintelligible to them, with which we spoke with one another.

It was finally decided to forward to the Interior Department the affidavits of these Indians; setting forth the manner in which they had been robbed of their lands, and requesting that Cloos's entry be held for cancellation, and that Helm's patent be reopened. It was found, on looking the matter up in Washington, that several years ago this cañon had been withdrawn from market with a view to having it set off as a reservation for the Indians living in it, but the matter had slipped everybody's mind. On visiting the San Ysidro Cañon ourselves a few weeks later we found that Cloos, taking time by the forelock, had sold out his homestead claim, his house, and what he was pleased to call his "improvements," for $610 to a poor old widow, Mrs. Pamela Hagar by name. We found Mrs. Hagar, with her son, on the ground, preparing to go

into the bee business. She appeared very little surprised at hearing that the claim she had bought was a questionable one, remarking: "Well, I mistrusted something was wrong; Cloos seemed in such a hurry to get his money." This woman appeared nearly as helpless as the Indians themselves. The deed she had taken from Cloos was not acknowledged; she had not got it recorded; her name was misspelled in it; and the enumeration of the sections, &c., in it did not agree with the list in the land-office certificate. She begged us to ask the Government to refund to her the sum she had paid to Cloos, and signed by her mark a paper saying she would accept it. It is a small sum, and as the poor old woman made the transaction in good faith, knowing nothing about the Indians' presence on the place, it would seem not unreasonable that she should be paid. The next morning Cloos himself appeared on the scene, very angry and resentful. He said he had "a perfect right to file on that land;" that "Indians were not citizens," and "had no right to public lands," and that "the stockmen of San Diego County were not going to stand the Indians killing their stock much longer;" that "the Government ought to put the Indians all together somewhere and take care of them," and that "there'd be a big fight with Indians in San Diego County before long, we might rest assured of that," and much more of the same sort, which would not be worth repeating, except that it is a good illustration of the animus of the greater portion of Southern California ranchmen toward Indians. A few days after this we were gladdened by the news from Washington that Cloos's filing was held for cancellation, and that the Attorney-General had ordered proceedings to be begun in San Francisco for the vacating of Chatham Helm's patent. A few instances of such promptitude as this would change the whole status of the South California Indians, giving courage to them, and, what is still more important, making it clear to the perception of white men that the Indians' rights are no longer to be disregarded as they have been.

EXHIBIT F.

THE LOS COYOTES.

Five miles up from the head of the San Ysidro Cañon, to be reached only by a steep and narrow trail, lies a small valley on the desert side of the mountains. It is little more than a pocket on a ledge. From its rim one looks down directly into the desert. Few white men have ever penetrated to it, and the Indians occupying it have been hitherto safe, by reason of the poverty and inaccessibility of their home. No agent has ever visited them; they have supported themselves by keeping stock and cultivating their few acres of land. There are not more than 80 acres all told in the valley. About three weeks before our arrival at Warner's ranch a man named Jim Fane, a comrade of Helm, who had usurped the San Ysidro Cañon, having, no doubt, learned through Helm of the existence of Los Coyotes Valley, appeared in the village and offered the Indians $200 for their place. They refused to sell, upon which he told them that he had filed on the land, should stay in any event, and proceeded to cut down trees and build a corral. It seems a marvelous forbearance on the part of a community numbering twenty-six able-bodied men and twenty-one women not to take any forcible measures to repel such an intruder as this. But the South California Indians have learned by long experience that in any contest with white men they are sure to be found in the wrong. Not an Indian laid violent hands on Fane. He seems to have gone about as safely in the heart of this Indian village, which he was avowedly making ready to steal, as if he had been in an empty wilderness. Mr. Kinney found him there, hard at work, his belt full of cartridges and pistols. He was a rough fellow, at first disposed to be defiant and blustering, but on being informed of the Department's action in the case of Cloos's filing, he took a milder tone, and signed a paper saying that he would take $75 for his "improvements." Later in the day, after consulting with his friend Helm, he withdrew the paper and announced his determination to stay in the valley. On inquiry at the land office at Los Angeles we found that his filing had been returned to him for correction of errors. We were therefore in time to secure the stopping of all further proceedings on his part through the land office. Nothing, however, but authorized and authoritative action on the part of the agent representing the Interior Department will stop his proceedings on the ground. Just before leaving California we received an urgent letter from the Los Coyotes' captain, saying that Fane was still there—still cutting down their trees and building corrals.

The Indians of this band are robust, active, and finely made, more nearly in the native health and strength of the race than any other band in the country. The large proportion of children also bore testimony to their healthful condition, there being thirty-five children to twenty-one women and twenty-six men. The captain had the lists of his people kept by three lines of notches on a stick, a new notch being made for each birth and crossed out for each death. They could count only up to

five. Everything beyond that was "many." Their houses were good, built of hewn pine timber, with thatched roofs made from some tough fibrous plant, probably the yucca. Each house had a thatched bower in front of it and stood in a fenced inclosure. These Indians raise beans, pumpkins, wheat, barley, and corn. They have twenty-five head of cattle and more horses. They say they have lived in this valley always and never desire to leave it. The only things they asked for were a harness, chain, coulter, and five plows. They have now one plow.

This village is one of the best illustrations of our remarks on the need of itinerary labor among the Mission Indians. Here is a village of eighty-four souls living in a mountain fastness which they so love they would rather die than leave it, but where the ordinary agencies and influences of civilization will never reach, no matter how thickly settled the regions below may come. A fervent religious and practical teacher spending a few weeks each year among these Indians might sow seed that would never cease growing during the intervals of his absence.

EXHIBIT G.

THE SANTA YSABEL RANCH.

The Santa Ysabel ranch is adjoining to Warner's ranch. It is a well-wooded, well-watered, beautiful country, much broken by steep and stony mountains. The original grant of this ranch was confirmed March 17, 1858, to one José Ortego and the heirs of Edward Stokes. The patent was issued May 14, 1872. It is now owned by a Captain Wilcox, who has thus far not only left undisturbed the Indian village within the boundaries of his estate, but has endeavored to protect the Indians by allowing to the ranch lessee a rebate of $200 yearly on the rent on account of the Indians' occupancy. There is in the original grant of this ranch the following clause: "The grantees will leave free and undisturbed the agricultural lands which the Indians of San Diego are actually occupying."

We found on arriving at the Santa Ysabel village that an intelligent young Indian living there had recently been elected as general over the Dieguino Indians in the neighborhood. He showed to us his papers and begged us to wait till he could have all his captains gathered to meet us. Eight villages he reported as being under his control, Santa Ysabel, Mesa Grande, Mesa Chilquita, San José, Matagnay, La Puerta, Laguna, and Anaha. He was full of interest and inquiry and enthusiasm about his people. "I want know American way," he said in his broken English. "I want make all my people like American people. How I find out American laws? When white men lose cow, lose pig, they come here with pistol and say we must find or give up man that stole. How we know? Is that American law. We all alone out here. We got nobody show us. Heap things I want ask about. I make all my people work. We can't work like American people; we ain't got work with; we ain't got wagon harness; three old broken plows for all these people. What we want, some man right here to go to. While you here white man very good; when you go away trouble same as before."

There are one hundred and seventy-one Indians in this village. They are very poor. Many of their houses are of tule or brush; their clothes were scanty and ragged, some of the older men wearing but a single garment. That they had not been idle their big wheat field proved; between three and four hundred acres fenced and the wheat well up. "How do you divide the crops?" we asked. "Every man knows his own piece," was the reply. They sell all of this wheat that they can spare to a storekeeper some 3 miles away. Having no wagon they draw the wheat there on a sort of sledge or wood triangle, about 4 feet long, with slats across it. A rope is tied to the apex of this, then fastened to the horn of a saddle on a horse ridden by a man, who steers the sledge as best he may. The Indians brought this sledge to show us, to prove how sorely they needed wagons. They also made the women bring out all the children and arrange them in rows, to show that they had enough for a school, repeating over and over that they had many more, but they were all out digging wild roots and vegetables. "If there was not great many them, my people die hungry," said the general; "them most what we got eat." It is a sore grievance to these Santa Ysabel Indians that the Aqua Caliente Indians, only 20 miles away, have received from the Government a school, plows, wagons, &c., while nothing whatever has been done for them. "Them Aqua Caliente Indians got everything," said the general; "got hot springs, too; make money on them hot springs; my people got no chance make money."

On the second day of our stay in this region we saw four of the young general's captains those of Puerta San Felipe, San José, Anaha, and Laguna. In Puerta San Felipe," are sixty-four people. This village is on a confirmed grant, the "Valle de San Felipe," confirmed to Felipe Castillo. The ranch is now leased to a Frenchman, who is taking away the water from the Indian village, and tells the captain that the whole

village belongs to him, and that if anybody so much as hunts a rabbit on the place he will put him in prison. These people are in great destitution and trouble, being deprived of most of their previous means of support. The Anaha captain reported fifty-three people in his village. White men had come in and fenced up land on both sides of him. "When he plants his wheat and grain the white men run their hogs into the fields;" and "when the white men find anything dead they come to him to make him tell everything about it, and he has not got anything to tell." The San José captain had a similar story. The Laguna captain was a tall, swarthy, well-to-do-looking Indian, so unlike all the rest that we wondered what there could have been in his life to produce such a difference. He said nobody troubled him. He had good land, plenty of water, raised grain and vegetables, everything he wanted, except watermelons. His village contained eleven persons; was to be reached only by a steep trail the last 4 miles. We expressed our pleasure at finding one Indian captain and village that were in no trouble and wanted for nothing. He smiled mysteriously, as we afterward recalled, and reiterated that nobody troubled him. The mystery was explained later, when we discovered accidentally in San Diego that this Laguna village had not escaped, as we supposed, the inroads of white men, and that the only reason that the Laguna Indians were not in trouble was that they had peaceably surrendered half their lands to a white man, who was living amicably among them under a sort of contract or lease.

EXHIBIT H.

MESA GRANDE.

Mesa Grande lies high up above the Santa Ysabel village and 15 miles west of it. The tract adjoins the Santa Ysabel ranch, and is, as its name indicates, a large table land. There was set off here in 1876 a large reservation, intended to include the Mesa Grande Indian village, and also a smaller one of Mesa Chilquita; but, as usual, the villages were outside of the lines, and the lands reserved were chiefly worthless. One of the settlers in the neighborhood told us he would not take the whole reservation as a gift and pay the taxes on it. The situation of the Indians here is exceedingly unfortunate and growing more and more so daily. The good Mesa Grande lands, which they once owned and occupied, and which should have been secured to them have been fast taken up by whites, the Indians driven off, and, as the young general said, "all bunched up till they haven't got any room." Both the Mesa Chilquita and Mesa Grande plateaus are now well under cultivation by whites, who have good houses and large tracts fenced in.

They have built a good school-house, which we chanced to pass at the hour of recess, and noting Indian faces among the children, stopped to inquire about them. There were, out of twenty-seven scholars, fifteen Indians or half-breeds, some of them the children of Indians who had taken up homesteads. We asked the teacher what was the relative brightness of the Indian and white children. Supposing that we shared the usual prejudice against Indians, the teacher answered in a judiciously deprecating tone, "Well, really there isn't so much difference between them as you would suppose." "In favor of which race?" we asked. Thus suddenly enlightened as to our animus in the matter, the teacher changed his tone, and said he found the Indian children full as bright as the whites; in fact, the brightest scholar he had was a half-breed girl.

On the census list taken of Indians in 1880, Mesa Grande and Mesa Chilquita are reported as having, the first, one hundred and three Indians, the second, twenty-three. There are probably not so many now, the Mesa Chilquita tract being almost wholly in possession of the whites. The Mesa Grande village has a beautiful site on a small stream, in a sort of hill basin, surrounded by higher hills. The houses are chiefly adobe, and there is on one of the slopes a neat little adobe chapel, with a shingled roof nearly done, of which the Indians were very proud. There were many fields of grain and a few fruit orchards. The women gathered around our carriage in eager groups, insisting on shaking hands, and holding up their little children to shake hands also. They have but once seen an agent of the Government, and any evidence of real interest in them and their welfare touches them deeply.

The condition of the Indians in this district is too full of complications and troubles to be written out here in detail. A verbatim copy of a few of our notes taken on the spot will give a good picture of the situation:

"Chrysanto, an Indian, put off his farm two months ago by white man named Jim Angel, with certificate of homestead from Los Angeles land office. Antonio Douro, another, put off in same way from his farm near school-house. He had built good wooden house; the white man took that and half his land. He was plowing when the white man came and said: 'Get out! I have bought this land.' They have been to the agent. They have been ten times, till they are tired to go. Another American

named Hardy ran an Indian off his farm, built a house on it, then he sold it to Johnson, and Johnson took a little more land, and Johnson sold it to Stone, and he took still more. They used to be well fixed; had plenty of stock and hundreds of horses. Now they are all penned up, and have had to pay such fines they have got poor. Whites take their horses and cattle and corral them and make them pay 25 cents, 50 cents to get them out. 'Is that American law?' they asked; 'and if it is law for Indians' horses is it not same for white men's horses?' But one Indian shut up some of the white men's horses that came on his land, and the constable came and took them all away, and made the Indian pay money. The Americans so thick now they want all the Indians away, so to make them go they keep accusing them of stealing."

This is a small tithe of what we were told. It was pitiful to see the hope die out of the Indians' faces as they laid grievance after grievance before us, and we were obliged to tell them we could do nothing except to "tell the Government." On our way back to Santa Ysabel we were waylaid by several Indians, some of them very aged, each with the same story of having been driven off or being in imminent danger of being driven off his lands.

On the following day we had a long interview with one of the white settlers of Mesa Grande, and learned some particulars as to a combination into which the Mesa Grande whites had entered to protect themselves against cattle and horse-thieves. The young Indian general was present at this interview. His boots were toeless; he wore an old gingham shirt and ragged waistcoat, but his bearing was full of dignity. According to the white man's story this combination was not a vigilence committee at all. It was called "The Protective League of Mesa Grande," and had no special reference to Indians in any way. According to the Indian general's story it was a vigilance committee, and all the Indians knew very well that their lives were in danger from it. The white man protested against this, and reiterated his former statements. To our inquiry why, if the league were for the mutual protection of all cattle owners in the region, the captains of the Indian villages were not invited to join it, he replied that he himself would have been in favor of that, but that to the average white settler in the region such a suggestion would be like a red rag to a bull; that he himself, however, was a warm friend to the Indians. "How long you been friend to Indians?" asked the boy-general with quiet sarcasm. We afterward learned by inquiry of one of the most influential citizens of a neighboring town that this protective league was in fact nothing more or less than a vigilance committee, and that it meant short shrift to Indians; but being betrayed by one of its members it had come to an untimely end, to the great relief of all law-abiding people in the vicinity. He also added that the greater part of the cattle and horse stealing in the region was done by Mexicans and whites, not by Indians.

Whether it is possible for the Government to put these Mesa Grande Indians into a position to protect themselves and have anything like a fair chance to make their living in their present situation is a question; but that it ought to be done, if possible, beyond question. It is grievous to think that this fine tract of land, so long owned and occupied by these Indians, and in good faith intended by the Government to be set aside for their use, has thus passed into other hands. Even if the reservation tract, some three hundred acres, has been by fraudulent representations restored to the public domain, and occupied now by a man named Clelland, who has taken steps to patent it, the tract, by proper investigation and action, could probably be reclaimed for the Indian' use.

EXHIBIT I.

CAPITAN GRANDE.

Capitan Grande is the name of the cañon through which the San Diego River comes down from the Cuyumaca Mountains, where it takes its rise. The cañon is thirty-five miles from the city of San Diego; is fifteen miles long, and has narrow bottom lands along the river in some places widening out into good meadows. It is in parts beautifully wooded and full of luxuriant growths of shrubs and vines and flowering plants. In 1853 a band of Dieguino Indians were, by the order of Lieutenant Magruder, moved from San Diego to this cañon (see paper No. 1, appended hereto). These Indians have continued ever since to live there, although latterly they have been so much pressed upon by white settlers that their numbers have been reduced. A large reservation, showing on the record nineteen full sections, was set off here in 1876 for these Indians. It is nearly all on the bare sides of the mountain walls of the cañon. As usual, the village site was not taken in by the lines. Therefore white settlers have come in and the Indians been driven away. We were informed that a petition was in circulation for the restoration to the public domain of a part of this reservation. We could not succeed in finding a copy of this petition; but it goes without saying that any such

petition means the taking away from the Indians the few remaining bits of good land in their possession. There are now only about sixty Indians left in this cañon. Sixteen years ago there were from one hundred and fifty to two hundred—a flourishing community, with large herds of cattle and horses and good, cultivated fields. It is not too late for the Government to reclaim the greater part of this cañon for its rightful owners' use. The appended affidavits, which we forwarded to Washington, will show the grounds on which we earnestly recommended such a course.

Paper No. 1.—Copy of Colonel Magruder's order locating the Indians in Capitan Grande.

MISSION SAN DIEGO, *February* 1, 1853.

Permission is hereby given to Patricio and Leandro, alcalde and captain, to cultivate and live at the place called Capitan Grande, about four leagues to the south and east of Santa Ysabel, as it is with extreme difficulty that these Indians can gain a subsistence on the lands near the mission in consequence of the want of sufficient water for irrigation. It is understood that this spot, called as above, Capitan Grande, is a part of the public domain. All persons are hereby warned against disturbing or interfering with the said Indians, or their people, in the occupation or cultivation of said lands. Any complaints in reference to said cultivation or to the right of occupancy must be laid before the commanding officer of this post, in the absence of the Indian agent for this part of the country.

(Signed by Colonel Magruder.)

Paper No. 2.—Copy of affidavit of the captain of Capitan Grande Indians and one of his head men.

STATE OF CALIFORNIA,
County of San Diego:

In the application of Daniel C. Isham, James Meade, Mary A. Taylor, and Charles Hensley.

Ignacio Curo and Marcellino, being duly sworn by me through an interpreter, and the words being interpreted to each and every one of them, each for himself deposes and says:

"I am an Indian belonging to that portion of the Dieguino Indians under the captainship of Ignacio Curo, and residing in the rancheria of Capitan Grande, being also a part and portion of the Indian people known as Mission Indians; our said rancheria was located at Capitan Grande, where we all now reside in A. D. 1853, by an order issued by Colonel Magruder, of the United States Army, located at the post of San Diego on February 1 of said year, 1853. That since that time we and our families have resided on and possessed said lands. That said lands are included in Township 14 south, Range 2 East, of San Bernardino Meridian, in San Diego County, State of California.

That affiants are informed and believe that Daniel C. Isham, James Meade, Mary A. Taylor, and Charles Hensley have each of them filed in the land office of Los Angeles their application for pre-emption or homestead of lands included in the lands heretofore possessed by affiants, and now occupied by the rancheria of affiants as a home for themselves and families. That said affiants and their tribe have constantly occupied and partly cultivated the land so claimed by said Isham, Meade, Taylor, and Hensley since the year 1853. That they nor their tribe have ever signed any writing yielding possession or abandoning their rights to said lands; but that said parties heretofore mentioned are attempting by deceit, fraud, and violence to obtain said lands from affiants and the Government of the United States. Affiants therefore pray that the land officers of the United States Government will protect them in their right and stay all proceedings on the part of said claimants until the matter is thoroughly investigated and the rights of the respective parties adjudicated.

IGNACIO CURO, his + mark.
MARCELLINO, his + mark.

Witness—
M. A. LUCE.

Paper No. 3—Copy of affidavit of Anthony D. Ubach, in regard to Capitan Grande Indians, and in the matter of the application of Daniel Isham, James Meade, Mary A. Taylor, and Charles Hensley.

Anthony D. Ubach, being first duly sworn, on oath deposes and says: I am now, and have been continuously for the last seventeen years, Catholic pastor at San Diego, and have frequently made official visitations to the various Indian villages or rancherias

in said county; that I have frequently during said time visited the Capitan Grande Rancheria, on the San Diego River, in said county of San Diego; that when I first visited said rancheria, some seventeen years ago, the Indians belonging to the rancheria cultivated the valley below the falls on the San Diego River and herded and kept their stock as far up as said falls; that I know the place now occupied and claimed by the above-named applicants and each of them, and also the place occupied and claimed by Dr. D. W. Strong; that from the time I first visited said rancheria until the lands were occupied by the aforesaid white men, said lands were occupied, cultivated, and used by the Indians of Capitan Grande Rancheria as a part of their rancheria; that upon one occasion I acted as interpreter for Capitan Ignacio Curo in a negotiation between said Capitan Ignacio and D. W. Strong, and that said Strong at that time rented from said Ignacio a portion of the rancheria lands for bee pasture; I also know that Capt. A. P. Knowles and A. S. Grant also rented the lands from the Indians of the rancheria when they first located there.

ANTHONY D. UBACH.

SAN DIEGO, *State of California.*

Paper No. 4—Copy of the deposition of J. S. Manasse in the matter of the Capitan Grande Indians and the application of Daniel Isham, James Meade, Mary A. Taylor, and Charles Hensley.

STATE OF CALIFORNIA,
San Diego County:

J. S. Manasse, being first duly sworn, on oath deposes and says: I am now, and have been continuously since the year 1853, a resident of said county of San Diego; that I have known these certain premises on the San Diego River, said county, known as the Capitan Grande Rancheria, since the year 1856; that at that time and for many years thereafter the Indians belonging to said Capitan Grande Rancheria occupied and cultivated their fields as far up as the falls on the San Diego River; that the premises now occupied by the above-named applicants were so occupied and cultivated by the Indians belonging to said rancheria during the time aforesaid; I know that about one year ago Capt. A. P. Knowles paid rent to Ignacio Curo for a portion of the land now claimed by the above-named applicant, Charles Hensley; also that when I first knew of the rancheria, and for many years thereafter, the Indians of that rancheria owned and kept there a considerable number of cattle, horses, and sheep.

J. S. MANASSE.

The lands above referred to as claimed by Dr. D. W. Strong were patented by him September 15, 1882. They include all the lands formerly cultivated by the Indians and used for stock pasturage at the head of the cañon. When, at the expiration of his first year's lease of the tract for bee pasturage, the Indians asked if he wished to renew the lease, he informed them that he should stay and file on the land. His lines are as follows: NE. ¼ of NE. ¼, S. ½ of NE. ¼, and NW. ¼ of SE. ¼, Sec. 2, T. 14 S., R. 2 E., S. B. M., Home. No. 969.

Charles Hensley's homestead entry is as follows: No. 986, March 29, 1882. S. ½ of NW. ¼ and W. ½ of SW. ¼, Sec. 22, T. 14 S., R. 2 E., S. B. M. This is on the original site of the Indian village, and Hensley is living in Capitan Ignacio Curo's house, for which, after being informed that he had to leave it at any rate and might as well get a little money for it, Ignacio took a small sum of money.

James Meade's entry, which included Mary Taylor's interest, is as follows: No. 987, March 29, 1882. N. ½ of NW. ¼ and N. ½ of NE. ¼, Sec. 22, T. 14 S., R. 2 E., S. B. M. Captain Knowles's lines we did not ascertain. He claims, and in one way or another occupies, several tracts in the cañon.

EXHIBIT J.

THE SEQUAN INDIANS.

The Sequan Indians are a small band of Dieguino Indians living in a rift of the hills on one side of the Sweetwater Cañon, about twenty miles from San Diego. There are less than fifty of them all told. They are badly off, having for the last ten years been more and more encroached on by white settlers, until now they can keep no cattle, and have little cultivable land left. There is a small reservation of one section set off for them, but the lines were never pointed out to them, and they said to us they did not know whether it were true that they had a reservation or not. They had heard also that there was an agent for the Indians, but they did not know whether that were true or not. As nearly as we could determine, this village is within the reservation lines; and if it is some of the fields which have been recently taken away from the Indians by the whites must be also. They had the usual bundle of "tattered" papers to show, some of which were so old they were hardly legible. One of them was a cer-

tificate from a justice of the peace in San Diego, setting forth that this justice, by virtue of power in him vested by the California State law, did "permit hereby all these Indians to occupy peaceably and without disturbance all the certain land and premises heretofore occupied and held by these Indians aforesaid, including all their right and title to all other necessary privileges thereto belonging, mainly the water necessary for the irrigation of their lands."

These Indians are much dispirited and demoralized, and wretchedly poor. Probably the best thing for them would be, in case the Capitan Grande Cañon is cleared of whites and assured to the Indians, to remove there and join the Capitan Grande band.

EXHIBIT K.

THE CONEJOS.

The Conejos are of the Dieguino tribe. Their village is said to be partly on the Capitan Grande Reservation. One man familiar with the region told us that the reservation line ran through the center of the Conejos village. The village is reached only by a nine-mile horseback trail, and we did not visit it. The captain came to San Diego to see us, and we also learned many particulars of the village from an intelligent ranchwoman who has spent eleven summers in its vicinity. There are thirty-two men, twenty-six women, and twenty-two children in the band. They have good fields of wheat, and raise corn, squashes, and beans; yet there is not a plow in the village. The captain is very strenuous in his efforts to make all his Indians work. When strange Indians come to the village to visit they also are set to work. No one is allowed to remain longer than three days without lending a hand at the village labor. They are a strong and robust band. They say they have always lived in their present place. The captain asked for plows, harness, and "all things to work with," also for some clothes for his very old men and women. He also begged to be "told all the things he ought to know;" said no agent had ever visited them, and "no one ever told them anything."

In many of their perplexities they are in the habit of consulting Mrs. Gregory, and she often mounts her horse and rides nine miles to be present at one of their councils. Not long ago one of their number, a very young Indian, having stabbed a white man living near Julian, was arrested, put in jail, and in imminent danger of being lynched by the Julian mob. They were finally persuaded, however, to give him up to his tribe to be tried and punished by them. Mrs. Gregory was sent for to be present at the trial. The facts in the case were that the Irishman had attempted to take the young Indian's wife by force. The husband interfering, the Irishman, who was drunk, fired at him, upon which the Indian drew his knife and stabbed the Irishman. Mrs. Gregory found the young Indian tied up in the snow, a circle of Indians sitting around him. Recounting the facts, the captain said to Mrs. Gregory, "Now, what do you think I ought to do?" "Would you think he deserved punishment if it were an Indian he had stabbed under the same circumstances?" asked Mrs. Gregory. "Certainly not," was the reply, "we should say he did just right." "I think so, too," said Mrs. Gregory, "the Irishman deserved to be killed." But the captain said the white people would be angry with him if no punishment were inflicted on the young man; so they whipped him and banished him from the rancheria for one year. Mrs. Gregory said that during the eleven years that they had kept their cattle ranch in the neighborhood of this village but one cow had ever been stolen by the Indians; and in that instance the Indians themselves assisted in tracking the thief, and punished him severely.

EXHIBIT L.

PALA AND ITS NEIGHBORHOOD.

In the days of the prosperity of the San Luis Rey Mission, Pala was one of its chief appanages. It lies an easy day's journey from San Luis Rey, in the valley of the San Luis Rey River. It has also a little stream of its own, the Pala Creek. It is a beautiful spot, surrounded by high hills, with wooded spars and green bits of meadow here and there. The ruins of the old mission buildings are still standing, and services are held several times a year in the dilapidated chapel. It has always been a favorite spot with the San Luis Rey Indians, some five or six hundred of whom are living in the region. The chief settlements are Pala, Pauma, Apeche, La Jolla, and Rincon. At Pala, La Jolla, and Rincon are reservations. Of the Pala Reservation some tracts have been restored to the public domain, to be patented to whites. The remainder of this reservation, so far as we could learn its location, contains a very little good land, the greater part of it being in the wash of the creek. The Rincon Reservation is better, being at the

head of the valley, directly on the river, walled in to the south by high mountains. It is, as its name signifies, in a corner. Here is a village of nearly two hundred Indians; their fields are fenced, well irrigated, and under good cultivation in grains and vegetables. They have stock—cattle, horses, and sheep. As we drove into the village an Indian boy was on hand with his hoe to instantly repair the break in the embankment of the ditches across which we were obliged to drive. These Indians have been reported to us as being antagonistic and troublesome, having refused to have a Government school established there. Upon inquiry of them we found that the latter fact was true. They said they wanted a title to their lands, and till they had that they did not wish to accept anything from the Government; that the agent had promised it to them again and again, but that they had now lost faith in ever getting it. The captain said: "The commissioners come one day and tell us we own the lands and fields; the next day comes somebody and measures, and then we are out of our houses and fields, and have to live like dogs." On the outskirts of this village is living a half-breed, Andrew Scott, who claims some of the Indians' fields and cuts off part of their water supply. He is reported as selling whisky to them, and in this and other ways doing them great harm. It is not improbable that he would be found to be within the reservation lines.

Between the Rincon and Pala lies the Pauma village. It is on the Pauma ranch, the purchase of which for Indian occupancy we have recommended to the Government. This ranch is now rented, and the Indians are much interfered with by the lessee, who is naturally reluctant to lose the profit off a single acre of the land. There is in the original grant of the Pauma ranch the following clause: "They shall have free arable lands now occupied by the Indians who are established thereon, as also the lands they may need for their small quantity of live stock."

The La Jolla region we were unable to visit. The Indian village is said to be outside the reservation lines. There is a claim against this tract, and the La Jolla captain told us that the parties representing it had said to him that they were coming in with sheep next year, and would drive all the Indians out. Upon inquiry at the surveyor-general's office in San Francisco in regard to the La Jolla tract, we learn that there is a record on file in the archives of that department purporting to show that there was a grant made in favor of the Indians of San Luis Rey, Pablo, and José Apis for a tract of land named La Jolla, in the immediate vicinity of the Valle de San José, dated November 7, 1845, signed by Pio Pico; deposited in the archives January 31, 1878. From Mr. Chauncey M. Hayes, a resident of San Luis Rey, the agent of the Pauma ranch, we received the following letter on the subject of La Jolla:

"La Jolla was granted November 7, 1845, by the Mexican Government to José and Pablo Apis Indians, Expediente No. 242, and is recorded in the surveyor-general's office, in book No. 4, p. 17. It was not presented to the land commissioner in 1858, and remained without any action being taken. Col. Cave J. Couts, now deceased, bought the interest of the grantees, and a contract was afterwards made between Judge E. D. Sawyer, of San Francisco, and himself, to secure its approval by a special act of Congress. About three years ago an act was passed approving the grant for about 8,848 acres, reserving therefrom all lands then occupied. If this included Indians there would not be much of La Jolla left."

It is evident that this is a claim which should be closely investigated. The probabilities are that it would not bear such investigation. In Pala some of the Indians had been ejected from their homes under circumstances of great cruelty and injustice; affidavits setting forth the facts in their case were forwarded by us to Washington (see Paper No. 1, appended hereto). It is to be hoped that the Indians can be reinstated in their homes. If the Pauma ranch be purchased for Indian occupancy, as we recommend, it will, with the present reservation tracts of the Rincon, Pala, and La Jolla, make a sizable block of land, where the Indians will be comparatively free from white intrusion, and where they will have a good chance to support themselves by agriculture and stock-raising.

Paper No. 1, appended to Exhibit L—"Affidavit of the claims of Arthur Golsh, Gaetano Golsh, and others, to a certain piece of land in township of Pala.

"Patricio Soberano and Felipe Joqua, being duly sworn by me through an interpreter, and the words hereof being interpreted to each and every one of them, each for himself deposes and says: I am an Indian belonging to that portion of the San Louisenos Indians under the captainship of José Antonio Sal, and belonging in the rancheria of Pala. I have occupied the land in question ever since my childhood, together with Geromino Lugo and Lewis Ardillo, our wives and families numbering in all twenty-nine persons. I have resided on the land in question continuously until December, 1882. About five years ago one Arthur Golsh rented of Luis Ardillo a portion of said land for three months at a rental of $5 per month. After this, said Golsh claimed the property of Ardillo and of the three other Indians; ordered them to leave; used threats; on one occasion aimed a pistol at Patricio Soberano. He then proceeded to file on the land, and obtained a patent for the land while these Indians were still

residing upon it. The said Indians had upon the said land four houses, one of which is adobe, various inclosed fields, and a long ditch for bringing irrigation water to the said lands. In spite of the threats of Arthur Golsh and others we continued to occupy the lands until December, 1882, when we were informed by Agent S. S. Lawson that if we did not leave voluntarily we would be put off by the sheriff.

"Said affiants therefore pray that said land be returned to the said Indians by the United States Government.

"Signed by Patricio Soberano and Felipe Joqua in presence of the justice of the peace, in Pala."

EXHIBIT M.

THE PACHANGA INDIANS.

This little band of Indians is worthy of a special mention. They are San Luisenos, and formerly lived in the Temecula Valley, where they had good adobe houses and a large tract of land under cultivation. The ruins of these houses are still standing there, also their walled graveyard full of graves. There had been a settlement of Indians in this Temecula Valley from time immemorial, and at the time of the secularization of the missions many of the neophytes of San Luis Rey returned thither to their old home. At the time of the outbreak of the Aqua Caliente Indians, in 1851, these Temecula Indians refused to join in it and moved their families and stock to Los Angeles for protection. Pablo, their chief at that time, was a man of some education, could read and write, and possessed large herds of cattle and horses. This Temecula Valley was a part of the tract given to San Luisenos and Dieguinos by the treaty of January 3, 1853, referred to in the body of this report. (See page —.) In 1873 a decree of ejectment against these Indians was obtained in the San Francisco courts without the Indians' knowledge. The San Diego Union of September 23, 1875, says on the subject:

"For forty years these Indians have been recognized as the most thrifty and industrious Indians in all California. For more than twenty years past these Indians have been yearly told by the United States commissioners and agents, both special and general, as well as by their legal counsel, that they could remain on these lands. Now, without any previous knowledge by them of any proceedings in court, they are ordered to leave their lands and homes. The order of ejectment has been served on them by the sheriff of San Diego County. He is not only commanded to remove these Indians, but to take of their property whatever may be required to pay the costs incurred in the suit."

Comment on the extracts would be superfluous. There is not often so much of history condensed in the same number of newspaper paragraphs. A portion of these Temecula Indians, wishing to remain as near their old homes and graves of their dead as possible, went over in the Pachanga Cañon, only three miles distant. It was a barren, dry spot; but the Indians sunk a well, built new houses, and went to work again. In the spring of 1882, when we first visited the place, there was a considerable amount of land in wheat and barley, and a little fencing had been done. In July, 1882, the tract was set off by Executive order as a reservation for these Indians. In the following May we visited the valley again. Our first thought on entering it was, would that all persons who still hold to the belief that Indians will not work could see this valley. It would be hardly an extreme statement to say that the valley was one continuous field of grain. At least four times the amount of the previous year had been planted. Corrals had been built, fruit orchards started; one man had even so far followed white men's example as to fence in his orchard a piece of the road which passed his place. The whole expression of the place had changed; so great a stimulus had there been to the Indians in even the slight additional sense of security given by the Executive order setting off their valley as a reservation. And, strangely enough, as if nature herself had conspired at once to help and to avenge these Indians in the Temecula Valley from which they had been driven out, the white men's grain crops were thin, poor, hardly worth cutting; while the Indians's fields were waving high and green, altogether the best wheat and barley we had seen in the county. It is fortunate that this little nook of cultivable land was set aside as a reservation. Had it not been it would have been "filed on" before now by the whites in the region, who already look with envy and chagrin on the crops the Indian exiles have wrested from land nobody thought worth taking up.

A Government school has been opened here within the past year, and the scholars have made good progress. We found, however, much unpleasant feeling among the Indians in regard to the teacher of this school, owing to his having a few years before driven off four Indian families from their lands at Pala, and patented the lands to himself. There were also other rumors seriously affecting his moral character which

led us to make the suggestion in regard to the employment of female teachers in these Indian schools. (See report recommendation.) As one of the Indians forcibly said, to set such men as this over schools was like setting the wolf to take care of the lambs.

These Pachanga Indians had, before the setting aside of their tract as a reservation, taken steps towards the securing of their cañon, and the dividing it among themselves under the provisions of the Indian homestead act. They were counseled to this and assisted in it by Richard Eagan, of San Juan Capistrano, well known as a good friend of the Indians. They have expressed themselves as deeply regretting that they were persuaded to abandon this plan and have the tract set off as a reservation. They were told that they could in this way get their individual titles just as securely and without cost. Finding that they have no individual titles, and cannot get them, they are greatly disappointed. It would seem wise to allow them as soon as possible to carry out their original intention. They are quite ready and fit for it.

EXHIBIT N.

THE DESERT INDIANS.

The Indians known as the Desert Indians are chiefly of the Cahuilla tribe, and are all under the control of an aged chief named Cabezon, who is said to have more power and influnce than any Indian now living in California. These Indians' settlements are literally in the desert; some of them being in that depressed basin, many feet below sea level, which all travelers over the Southern Pacific Railroad will recollect. There is in this desert one reservation, called Aqua Caliente, of about 60,000 acres. From the best information that we can get this is all barren desert land, with only one spring in it. These Desert Indians are wretchedly poor, and need help perhaps more than any others in Southern California. We were unable to visit these Indians personally, but were so fortunate as to induce Capt. J. G. Stanley, a former Indian agent for the Mission Indians and a warm friend of theirs, to go out in our stead and report to us on their condition. His report is herewith given:

Mrs. H. H. JACKSON:

MADAM: In compliance with your request I proceeded to the Cabezon Valley and have endeavored as far as was possible, with the limited time at my command, to ascertain the present condition and actual necessities of these Indians that still inhabit that portion of the Colorado Basin known as the Cabezon Valley, that being also the name of the head chief, who, from the best information that can be obtained, is not less than ninety and probably one hundred years old, and who still has great influence with all the Indians in that region. I found it impracticable to visit all the rancherias, and accordingly sent out runners and called a council of all the Indians of all the villages to be held at a point on the railroad known as Walter's Station, that being the most central point. The next day there were present in council about one hundred Indians, including the captains of all the rancherias and the old chief Cabezon. Having been special agent under the old superintendent system, and well acquainted with the Indians, I was received by them with the greatest cordiality. I read and interpreted your letter to Cabezon, and also explained that you were not able to visit them in person on account of ill health. The Indians, through their spokesman or interpreter, then stated their cause of complaint. First, that Mr. Lawson had never visited their villages nor taken any inerest in their welfare; that he had allowed his interpreter, Juan Morengo, to take the advantage of them; that Juan Morengo had made a contract for them with a man in San Bernardino to cut wood on land claimed by the Indians for the railroad company, he taking the lion's share on the profits, and agreeing to pay them every Saturday in money; that Juan Morengo took some $200 belonging to the Indians and appropriated it to his own use; that the contractor did not pay as agreed, but wished the Indians to take poor flour and other articles at a great price. There may be some exaggeration of the causes of complaint, but it is evident that no one has looked after the rights of these Indians. The Indians have stopped cutting the wood, and they say the contractor tells them he will send others to cut wood if they will not do it. If I understand rightly this is Government land, and no one has a right to cut the timber. It is true, it is mesquite timber, and they profess to cut only the dry trees, but the mesquite is invaluable to the Indians. It not only makes their fires, but its fruit supplies them with a large amount of subsistence. The mesquite bean is used green and dry, and at the present time is their principal article of food. Moreover, without the mesquite tree the valley would be an absolute desert. The wood (the dead trees) could be made a source of employment and profitable revenue to the Indians if cut with proper regulations, but the present mode is destruction to the

timber and benefits but few of the Indians. I have extended my remarks on this subject as I think it very important. If the wood is to be cut the Indians should be supplied with wagons and harness that they may do all the work of delivering the wood and get the profit of their labor. I would suggest that it is very important that a tract of country be segregated and set apart for these Indians. There is a vast amount of desert land in their country, but there are spots in it that have been occupied by them for hundreds of years, where wheat, corn, melons, and other farm products can be grown. There is very little running water, but water is so near the surface that it can be easily developed. The Indians appear to know nothing of any lands being set apart for them, but claim the whole territory they have always occupied. I think that to avoid complications something should be done for these Indians immediately to protect their interests. At present there are eight villages or rancherias, each with its own captain, but all recognizing old Cabezon as head chief. I ascertained from each captain the number belonging to his village, and I found the aggregate to be 560 souls. These Indians are not what are called Christianized Indians. They never belonged to the missions and have never been received into any church. They believe in spirits and witchcraft. While I was among them I was told by a white man that the Indians intended to kill one of their number because he had bewitched a man and made him sick. I asked the interpreter about it. He acknowledged it to be true, but said they only intended to frighten him so that he would let the man alone. I told him it would be wrong to kill the Indian, and he said they would not do it. They are very anxious to have schools established among them, and are willing to all live in one village if a suitable place can be selected. I shall offer as my opinion that immediate steps should be taken to set apart lands for these Indians, that they be permitted to cut wood for sale only on the public lands in Cabezon Valley, that no one be permitted to cut any green timber in the valley, that two strong wagons and harness for twelve horses be furnished (or loaned) to the Indians for the purpose of hauling wood only, that lumber be furnished to make sheds for said wagons and harness. The Indians have horses of their own.

All of which is respectfully submitted.

J. G. STANLEY.

EXHIBIT O.

THE SAN GORGONIO RESERVATION.

This is the only reservation of any size or value in Southern California. It lies in the San Gorgonio Pass, between the San Bernardino and San Jacinto Mountains. The Southern Pacific Railroad passes through it. It is a large tract, including a considerable proportion of three townships. It is an exposed situation, open to the desert winds, and very hot in summer. A small white settlement, called Banning, lies in this district. Most of the titles to these settlements are said to have been acquired before the reservation was set off. We received from the settlers in Banning the following letter:

To Mrs. JACKSON and Mr. KINNEY, *Commissioners, &c.:*

At a public meeting of all the residents on the lands reserved for Indian purposes, held at Banning, in San Gorgonio Pass, San Bernardino County, California, it was resolved that a delegation from our inhabitants be appointed to proceed to San Bernardino and lay before the commissioners a statement of the existing status of the lands reserved for Indian purposes as affecting the citizens resident on those townships known as 2 and 3, S., R. 1 E., and 2 S., R. 2 E., in San Bernardino meridian. Believing that it is of the utmost importance that you should become conversant with the facts affecting the condition and future well-being of the Indians whom it is designed to place upon these lands, we respectfully request a hearing. Among those facts as affecting the residents directly, and more remotely the Indians, are the following:

There is in San Gorgonio Township, of which these lands are a part, a population of 250 souls. In township 3 S., R. 1. E., is the village of Banning, which is the business center of the surrounding country, and has an immediately surrounding population of 50 souls. It has post and express offices, railroad depot, district school, church organization, general merchandise store, the flume of the San Gorgonio Fluming Company, two magistrates; and during the last year there was sold or shipped from this place alone fully 20,000 bushels of wheat and barley, over 200 tons of baled hay, a large amount of honey, butter, eggs, poultry, live stock, &c., besides 200 cords of wood. Although more than half of the area of this township is in the mountains and uninhabited, from the remaining portion which is surveyed land there is at this time fully 1,200 acres in grain, and the value of the improved property is over $50,000, exclusive of railroad property. Vested interests have been acquired to all the water

available for irrigation under the code of laws existing in this State. Wells have repeatedly been dug without success in this township. United States patents to lands were granted in this township long anterior to the Executive order reserving the lands for Indian purposes, and since then the population has not increased. No Indian has, within the memory of man, resided in this township. There are not over two entire sections of land in the entire area left available for cultivation, and on these without abundance of water no one could possibly succeed in earning a livelihood. One of these sections was occupied and was abandoned, the attempt to raise a cereal crop having failed. The extreme aridity of the climate renders the successful growth of cereals problematical, even when summer fallowing is pursued, and the amount of human casuality possessed by the average Indian does not usually embrace the period of two years. To intersperse Indians between white settlers who own the railroad land or odd sections and the remaining portions of the Government sections, where a "no-fence" law exists, as here, would not be conducive to the well-being of the Indians, and would result in a depreciation of our property alike needless and disastrous. In township 2 S., R. 2 E., there are not over eighty acres available, that in Weaver Creek Cañon, where the water was acquired and utilized before the Executive order and the legal right well established. In township 2 S., R. 1 E., settlements were made many years before the issue of the order of reservation, especially on odd-numbered sections or railroad lands as then supposed to be, and these bona fide settlers have acquired claims in equity to their improvements. On one ranch in this township, that of Messrs. Smith & Stewart, who have cultivated and improved the mesa or bench lands, there was produced several thousand sacks of grain, but this involved such an outlay of capital and knowledge, beside experience in grain growing such as Indians do not possess. In this township, embracing the three mentioned, there are upward of forty voters, and these unanimously and respectfully ask you to grant us a hearing when we can reply to any interrogatories you may be pleased to make. If you will kindly name the time when to you convenient, the undersigned will at once wait upon you.

W. K. DUNLAP.
BEN. W. SMITH.
S. Z. MILLARD.
WELWOOD MURRAY.
GEO. C. EGAN.
D. A. SCOTT.
G. SCOTT.

There is upon this San Gorgonio Reservation a considerable amount of tillable land. There are also on it several small but good water-rights. One of these springs, with the adjacent land, is occupied by an Indian village called the Potrero, numbering about 60 souls; an industrious little community, with a good amount of land fenced and under cultivation. These Indians are in great trouble on account of their stock, the approaches to their stock ranges having been by degrees all fenced off by white settlers, leaving the Indians no place where they can run their cattle without risk of being corraled and kept till fines are paid for their release. All the other springs except this one are held by white settlers, who, with one exception, we are informed, have all come on within the past five years. They claim, however, to have bought the rights of former settlers. One of the largest blocks of this reservation lies upon the San Bernardino Mountain, and is a fair stock range. It is now used for this purpose by a man named Hyler. The next largest available block of land on the reservation is now under tillage by the dry system by the firm of Smith & Stewart. There is also a bee ranch on the reservation belonging to Herren & Wilson. One of the springs and the land adjacent are held by a man named Jost. He is on unsurveyed land, but claims that by private survey he has ascertained that he is on an odd-numbered section, and has made application to the railroad for the same. He requested us to submit to the Department his estimate of the value of his improvements. It is appended to this exhibit. It seems plain from the above facts, and from the letter of the Banning gentleman, that a considerable number of Indians could be advantageously placed on this reservation if the whites were removed. It would be necessary to acquire whatever titles there may be to tracts included in the reservation; also to develop the water by the construction of reservoirs, &c., probably to purchase some small water-rights. Estimating roughly, we would say by an expenditure of from $30,000 to $40,000 this reservation could be rounded out and put into readiness for Indians. It ought to be most emphatically stated and distinctly understood that without some such preparation as this in the matter of water-rights and channels the Indians cannot be put there. It is hardly possible for one unfamiliar with the Southern California country to fully understand how necessary this is. Without irrigation the greater portion of the land is worthless, and all arrangements for developing, economizing, and distributing water are costly. This is an objection to the San Gorgonio Reservation. There are two others. The Indians for the most part have an exceeding dislike to the region, and will never go there voluntarily; perhaps only by force. The alternative of railroad sections

with the sections of the reservations will surely lead to troubles in the future between the white settlers and the Indians. These are serious objections; but it is the only large block of land the Government has left available for the purpose of Indian occupancy.

Paper No. 1, appended to Exhibit O.—Claim of C. F. Jost and wife for improvements in San Gorgonio Reservation, Banning, San Bernardino County.

(Settled on section 25, township 2 S., R. 1 E., S. B. M., San Bernardino County, in May, 1875. Bought out other white settlers. Hold railroad permission to settle on land; of date, November, 1875.)

IMPROVEMENTS.

House	$300 00
Barn	150 00
Milk-house	50 00
Meat-house	50 00
Granary	50 00
Potato-house and cellar	50 00
Chicken-house	20 00
Two board flumes	50 00
Two water dams	20 00
Honey-house	10 00
Wire fencing	300 00
Other fencing	200 00
One hundred and seventy fruit trees (mostly bearing this year)	400 00
Breaking up sod land and draining land	200 00
Amount paid to first white settler for claim (no improvements)	250 00
	2,100 00

On the 1st of June I will have $50 worth of seed potatoes in the ground, and labor, $100. It is necessary to plow the ground three times to properly prepare it for potatoes. This crop in December of the same year is worth $500 to $600 in the markets. Have about seventy stands of bees, worth, say, $300, which if I am moved will be a dead loss.

EXHIBIT P.

THE PAUMA RANCH.

The Pauma Ranch lies on the San Luis Rey River, between the Rincon and Pala Reservations. It contains three leagues of land, largely upland and mesa, good for pasturage and dry farming. It can be irrigated by bringing water from the San Luis Rey River. There is some timber on it; also some bottom lands along the river and along the Pauma Creek. The ranch is the property of Bishop Mora, who made to us the following proposition for its sale:

"For the sum of $31,000 in gold coin of the United States of North America I am disposed to sell to the Government of the United States, for the benefit of the Mission Indians, the ranch called 'Pauma Ranch, in the county of San Diego,' containing 3 leagues of land, more or less, reserving to myself and to my assignees: 1st, 2 acres of land whereon the present Indian chapel stands; 2d, 320 acres on one-half section on the south side of the public road leading to Pala, whereon the frame house stands formerly belonging to Joaquin Amat. Terms, cash on delivery of deed of sale. This offer is made with the proviso that the transaction is to be concluded on or before the 31st day of October of the present year.

"Santa Ynez, Santa Barbara County, May 14, 1883.

"FRANCIS MORA,
"*Bishop of Monterey and Los Angeles.*"

Upon being informed by us that this condition of time of sale would make it impossible for us to secure these lands for the Indians, the bishop in the following note waived that condition:

SAN LUIS OBISPO, *May* 21, 1883.

Mrs. WILLIAM S. JACKSON:

DEAR MRS. JACKSON: Your favor of the 17th instant has been received. I feel heartily thankful for the interest you take in behalf of our Indians, and do with pleasure waive the condition as regards the time, and will let the offer stand until the proposed bill has been voted on by Congress; provided, however, that the purchase

can be brought to a close during spring or summer of the year 1884, and subject to one year's lease, which will conclude December 31, 1884, because I must try *pendente transactione* to get enough to pay taxes.

Hoping you will reach home in good health,

Yours, affectionately,

FRANCIS MORA,
Bishop of Monterey and Los Angeles.

It should be distinctly understood that Bishop Mora in making this offer, and generously allowing it to stand open for so long a time, is influenced by a warm desire for the welfare of the Indians.

EXHIBIT Q.

Proposition for the sale of the Santa Ysabel ranch to the United States Government.

LOS ANGELES, CAL., *May* 19, 1883.

Mrs. HELEN HUNT JACKSON and ABBOT KINNEY, Esq.,
Special Commissioners to the Mission Indians:

Should the United States Government wish to purchase the Santa Ysabel rancho, in San Diego County, California, containing four leagues of land, or about 18,000 acres, we will sell said rancho for the sum of ninety-five thousand dollars ($95,000) gold coin.

Respectfully,

HARTSHORNE & WILCOX,
By E. F. SPENCE, *Agent.*

EXHIBIT R.

AN ACT for the government and protection of Indians, passed by the California State legislature April 22, 1850.

SECTION 1. Justices of the peace shall have jurisdiction in all cases of complaints by, for, or against Indians in their respective townships in this State.

SEC. 2. Persons and proprietors of lands on which Indians are residing shall permit such Indians peaceably to reside on such lands unmolested in the pursuit of their usual avocations for the maintenance of themselves and their families; provided the white person or proprietor in possession of such lands may apply to a justice of the peace in the township where the Indians reside to set off to such Indians a certain amount of land, and on such application the justice shall set off a sufficient amount of land for the necessary wants of such Indians, including the site of their village or residence if they so prefer it, and in no case shall such selection be made to the prejudice of such Indians; nor shall they be forced to abandon their homes or villages where they have resided for a number of years; and either party feeling themselves aggrieved can appeal to the county court from the decision of the justice, and then, when divided, a record shall be made of the lands so set off in the court so dividing them; and the Indians shall be permitted to remain thereon until otherwise provided for.

This act has never been repealed, nor, so far as we could learn, complied with in a single instance. To-day it would be held as of no value in the California courts.

[Senate Ex. Doc., No. 22, Forty-eighth Congress, first session.]

Message from the President of the United States, transmitting a communication of 3d instant from the Secretary of the Interior, submitting draft of bill for the payment of the value of certain improvements made by certain settlers on the Round Valley Indian Reservation in California.

DECEMBER 19, 1883.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of 3d instant from the Secretary of the Interior, submitting, with accompaning, papers, a draft of a bill for the payment of the value of certain improvements made by certain settlers on the Round Valley Indian Reservation in the State of California, as appraised under the act approved March 3, 1873.

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 17, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, December 3, 1883.

SIR: I have the honor to submit herewith a copy of a letter of 20th November, 1883, from the Commissioner of Indian Affairs, with draft of a bill therein noted to provide for the payment for certain improvements made by settlers on the Round Valley Indian Reservation in California, as appraised under the act of March 3, 1873 (17 Stat., 633).

It will be perceived from House Ex. Doc. 205, Forty-seventh Congress, first session, herewith, that this subject has been heretofore presented for legislative action, but failed to become a law.

I respectfully renew the former recommendation of the Department, and respectfully request that the matter may be presented for the favorable action of the Congress.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 30, 1883.

SIR: In office report, dated May 13, 1882, it was recommended that Congress be asked to make provision to pay for the improvements made by certain settlers on the Round Valley Indian Reservation, in the State of California, as appraised under the act of Congress approved March 3, 1873 (17 Stat., 633), the sum required for this purpose being $10,285.41, in addition to the amount of $594.37 on the books of this office applicable to this object.

A clause to be inserted in one of the appropriation bills was submitted with the report.

On the 18th of May, 1882, you transmitted the report to Congress, through the President, concurring in the recommendation of this office.

The facts in this matter are fully set out in office report, above referred to.

The necessity for this appropriation still exists, the Round Valley Reservation being practically useless for Indian purposes while occupied in great part by the settlers thereon.

These settlers should either be paid for their improvements and compelled to remove, as contemplated by the act of March 3, 1873, or the reservation should be abandoned and the Indians removed to a new location.

I have accordingly prepared a draft of a bill, similar in effect to the clause which Congress was asked to insert in an appropriation bill, and have the honor to recommend that the same be transmitted to Congress with a request for favorable action.

I inclose two copies of this report and of the proposed bill. I also inclose two copies (printed) of House Executive Document No. 205, first session Forty-seventh Congress, which contains office report of May 13, 1882, and your letter of transmittal, dated May 18, 1882.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

A BILL to provide for the payment for improvements of certain settlers on the Round Valley Indian Reservation in the State of California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of ten thousand two hundred and eighty-five dollars and forty-one cents, or so much thereof as may be necessary, to pay for improvements made by certain settlers on the Round Valley Indian Reservation, in the State of California, as appraised under the act of Congress approved March third, eighteen hundred and seventy-three, which amount, in addition to the sum of five hundred and ninety-four dollars and thirty-seven cents, now on the books of the Office of Indian Affairs, applicable to that purpose, aggregates the sum of ten thousand eight hundred and seventy-nine dollars and seventy-eight cents, being the amount necessary to pay to the parties now holding the improvements aforesaid made by and appraised in the name of the following claimants, viz:

Frank Asbell, three hundred and four dollars and seventy-eight cents; Pierce Asbell, five hundred and eighty dollars; David W. Ayers, three hundred dollars; Jacob Bellvil, two hundred dollars; E. S. Gibson, one thousand dollars; Andrew Gray, one

thousand seven hundred and ninety-five dollars; Samuel Lewis, one thousand dollars; William Murphy, one thousand and four hundred dollars; Fayette Nuckles, one hundred dollars; William Pollard, six hundred and fifty dollars; school trustees, two hundred dollars; ——— Steele, two hundred and fifty dollars; Jacob Updegraff, two thousand nine hundred dollars; Frank W. Yonree, two hundred dollars.

[House Ex. Doc. No. 205, Forty-seventh Congress, first session.]

Message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to an appropriation for the payment for improvements made by certain settlers on the Round Valley Indian Reservation, in California.

MAY 23, 1882.—Referred to the Committee on Appropriations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 18th instant, with accompanying papers, submitting the draft of a proposed clause for insertion in one of the pending appropriation bills to provide for the payment for improvements made by certain settlers on the Round Valley Indian Reservation, in California, as appraised under the act approved March 3, 1873.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
May 22, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, May 18, 1882.

SIR: I have the honor to submit herewith copy of a communication from the Commissioner of Indian Affairs of the 13th instant in relation to payment for improvements made by certain settlers on the Round Valley Indian Reservation, in California, as appraised under the act of Congress approved March 3, 1873.

The sum of $594.37 is now on the books of the Indian Office, applicable to the payment for said improvements.

The further sum of $10,285.41 is required for that purpose, and a draft of a proposed clause for insertion in one of the appropriation bills now pending in Congress, to provide the amount necessary for the purpose named, is also herewith inclosed.

I concur in the recommendation of the Commissioner that the matter be presented for the favorable action of Congress.

Very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 13, 1882.

SIR: The act of Congress approved March 3, 1873 (17 Stat., 633), provides for the restoration to the public domain of all that portion of the Indian reservation in Round Valley, California, which lies south of the township line running east and west between townships 22 and 23 north, of ranges 12 and 13 west of the Mount Diablo meridian, and directs the Secretary of the Interior to cause the same to be surveyed and offered for sale in legal subdivisions at not less than $1.25 per acre, with the proviso that the improvements owned by persons on the lands restored before the passage of the act shall be the sole property of such persons, who shall have priority of right to purchase not exceeding 320 acres of land in adjacent quarter sections containing and adjoining said improvements, the proceeds of the sale of the lands restored to be used to pay for the improvements and claims of settlers residing within the limits of the new reservation created by the act, and for improvements of Indians on land restored to the public domain after the appraisement of such improvements, as provided by said act.

The second section of the act directs the Secretary of the Interior to appoint three commissioners to examine the country with a view to establishing the northern boundary line of the reservation, and to appraise the improvements referred to in the first section of the act. This section also authorizes the Secretary of the Interior to pay for these improvements out of the money reserved for that purpose by the first section of the act.

By reference to the report of the commission appointed to appraise these improvements (see Ex. Doc. 118, Forty-third Congress, first session), it will be seen that the following appraisement was made of the improvements of settlers within the limits of the reservation as created by said act, viz:

Asbell, Frank	$304 78	Lewis, Samuel	$1,000 00
Asbell, Pierce	730 00	Murphy, Samuel	1,400 00
Ayers, David W	300 00	Nuckles, Fayette	100 00
Bellvil, Jacob	200 00	Pollard, William	650 00
Bourne, C. H	5,130 00	Pricing, G. J	960 00
Brown, W. J	300 00	School trustees	200 00
Dunlap, James L	450 00	Steele	250 00
Eberlee, C. H	2,925 00	Thompson, David	1,940 00
Gibson, E. S	1,000 00	Updegraff, Jacob	2,900 00
Gray, Andrew	1,795 00	Vannader, Wm. P	4,500 00
Kelley, Bernard	100 00	Wiltsee, J. O	1,000 00
Laycock, Dryden	3,360 90	Youree, Frank W	200 00
Leasure, Antonio	975 00		
		Total	32,669 78

Less $150, the appraised value of Pierce Abell's fence, which he agreed to remove, leaving $32,519.78.

A portion of these claims have been settled, amounting in the aggregate to $21,640, of which $17,340 was paid from the amount received from the sale of the lands as provided in the act; Vannader's mill, appraised at $4,000, being settled from funds set apart for the incidental expenses of the Indian service, and the appraisement in favor of W. J. Brown, of $300, being relinquished; leaving a balance yet unpaid of $10,879.78 due the following claimants, viz:

Asbell, Frank	$304 78	Nuckles, Fayette	$100 00
Asbell, Pierce	580 00	Pollard, William	650 00
Ayers, David W	300 00	School trustees	200 00
Bellvil, Jacob	200 00	Steele	250 00
Gibson, E. S	1,000 00	Updegraff, Jacob	2,900 00
Gray, Andrew	1,795 00	Youree, Frank W	200 00
Lewis, Samuel	1,000 00		
Murphy, William	1,400 00	Total	10,879 78

It appears that the entire area subject to the operation of said act of March 3, 1873, was 15,418.83 acres, and that of this area, 14,311.50 acres were entered by parties claiming a priority of right to purchase on satisfactory proof being adduced, leaving 1,107.33 acres still vacant. The sales, as they appear on the books of the Land Office, are as follows:

Third quarter, 1873, 7,059.29 acres	$8,869 11
Fourth quarter, 1873, 5,640.98 acres	7,051 22
July 7, 1874, to August 31, 1875, 1,131.23 acres	1,414 04
To January 31, 1876, 80 acres	100 00
To December 31, 1876, 320 acres	400 00
To February 28, 1877, 80 acres	100 00
Total, 14,311.50 acres	17,934 37

There is now a balance on the books of this office of $594.37, proceeds of the sale of lands authorized by the first section of the act of 1873, which is applicable to the payment of the balance of the appraised improvements hereinbefore mentioned.

It does not appear that any additional sales have been made since February, 1877, and were the entire balance of 1,107.33 acres subject to the operations of the act sold at the rate provided for ($1.25 per acre), it would realize the sum of $1,384.16, which, added to the balance now credited to the same fund on the books of this office of $594.37, would make a total of $1,978.53. There is, however, no reasonable prospect of any additional sales being made under the provisions of the act of 1873.

And therefore the only amount which can be relied on for use in this connection is the $594.37—the balance remaining on the books of this office.

The difference between this last mentioned sum and the amount of the appraised value of the unpaid improvements is $10,285.41.

The fact that the aforesaid claimants have never been paid for their improvements has caused an endless amount of trouble and confusion upon the reservation. They refuse to move; and from time to time have increased the boundaries of their alleged claims, and at the present time, almost the whole of the best lands of the reserve are claimed by or through them, and by others who claim land through the State, under the swamp act of September 28, 1850.

These parties have many thousand head of stock upon these lands, and in fact the reservation is under their control to such an extent as to be practicably of little use to the Indians. Should an appropriation be made, these parties could be paid for their improvements, or a tender made of the appraised value thereof, in which event the Government would be in a position to proceed against them under the provisions of sections 2117 and 2118 of the Revised Statutes.

In view of the facts, I have the honor to recommend that Congress be requested to make an appropriation of $10,285.41, to be disbursed under the direction of this office to the various unpaid claimants under the act of March 3, 1873, as hereinbefore specified.

I submit herewith, for the purpose indicated, a clause to be inserted in one of the appropriation bills now pending in Congress, with the hope that favorable action will be taken in the matter at the present session.

Very respectfully, your obedient servant,

E. L. STEVENS,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

Proposed clause.

For this amount, or so much thereof as may be necessary to pay for improvements made by certain settlers on the Round Valley Indian Reservation, in the State of California, as appraised under the act of Congress approved March 3, 1873, $10,285.41, which amount, in addition to the sum of $594.37, now on the books of the office of Indian Affairs, applicable to that purpose, aggregates the sum of $10,879.78, being the amount necessary to pay the following-named claimants, viz:

Frank Asbell, $304.78; Pierce Asbell, $580; David W. Ayers, $300; Jacob Bellvil, $200; E. S. Gibson, $1,000; Andrew Gray, $1,795; Samuel Lewis, $1,000; William Murphy, $1,400; Fayette Nuckles, $100; William Pollard, $650; school trustees, $200; Steele, $250; Jacob Updegraff, $2,900; Frank W. Youree, $200.

[Senate Ex. Doc. No. 61, 47th Congress, 2d session.]

Message from the President of the United States, transmitting a communication from the Secretary of the Interior of the 7th instant, with accompanying papers, setting forth the urgent necessity of stringent measures for the repression of the rapidly increasing evasion and violations of the laws relating to public lands, &c.

FEBRUARY 8, 1883.—Read and referred to the Committee on Public Lands and ordered to be printed.

To the Senate and House of Representatives:

I herewith transmit a communication from the Secretary of the Interior of the 7th instant, with accompanying papers, setting forth the urgent necessity of stringent measures for the repression of the rapidly increasing evasions and violations of the laws relating to public lands, and of a special appropriation for this purpose, both in the current and approaching fiscal years.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
February 8, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, February 7, 1883.

SIR: I have the honor to submit herewith copy of letter addressed to me, on the 3d instant, by the Commissioner of the General Land Office, with accompanying papers, in which he sets forth the urgent necessity of stringent measures to repress the rapidly increasing evasion and violation of the laws relating to public lands, and the need of a special appropriation for this purpose, both in the current and approaching fiscal years.

The evidences of fraudulent entry and illegal appropriation of public lands have of late accumulated to an alarming extent. As the quantity of public lands diminishes, their value naturally appreciates, so that now their market value frequently exceeds greatly the Government price for them. This stimulates entries for speculative purposes, and laws intended to benefit settlers in good faith are so perverted for fraudu-

lent purposes that the actual settler finds it difficult, if not impossible, to get title to public lands without first paying tribute to the dishonest claimant. No sooner is the plat of survey filed in the local land office than claims (pre-emption, homestead, and timber culture) are at once filed covering *all* the agricultural lands; claims that will, however, many of them, be relinquished *for a consideration*. This wholesale offer of relinquishment is, of course, *prima facie* proof of fraud. This class of claimants have been specially numerous and busy in the Territory of Dakota, where large bodies of public lands have recently been opened to settlement, so that the territorial governor has felt constrained to call the attention of the legislative assembly to the subject.

Under the desert-land act, too, large tracts of public lands have been unlawfully secured.

Forged soldiers' additional homestead certificates have been located on a large belt of the most valuable timber lands in California, and the timber cut and removed.

In the grazing districts thousands and even hundreds of thousands of acres have been unlawfully inclosed, and *bona fide* settlers shut out.

In the views set forth in the Commissioner's letter I fully concur.

Very respectfully,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., February 3, 1883.

Hon. H. M. TELLER,
Secretary of the Interior:

SIR: In my annual report for 1882 I made the following reference to fraudulent entries of public lands:

"Investigations made during the past year have developed the existence of much fraud under the shield of the pre-emption, homestead, and timber-culture laws.

"These investigations have been based upon complaints made to this office that great quantities of valuable coal and iron lands, forests of timber, and the available agricultural lands in whole regions of grazing country have been monopolized by persons who have caused fraudulent pre-emption and homestead entries to be made by their agents and employés.

"A proper investigation of the numerous complaints that are constantly being received would require the employment of a large force of special agents, and involve an expense far beyond the customary appropriation by Congress available for that purpose. Efforts have been made to check unlawful acts of this character in the coal and iron regions of Alabama, the timber regions of Minnesota, the grazing country of California, and on agricultural lands in the Territory of Dakota, by the special investigation of cases of alleged fraud, trials before local land officers to cancel illegal entries, and the institution of civil and criminal suits. These proceedings have, however, necessarily been confined to one or two localities in each of said States and Territories, owing to the limited facilities of this office for such service."

In my estimates prepared in July last of appropriations required by this office for the service of the fiscal year ending July 30, 1884, I did not include estimates for the expenses of special agents other than as incidentally embraced in the item of miscellaneous and contingent expenses, a very small portion of which only will be available for the expenses of inspectors of local land offices, of offices of surveyors-general, and for the expenses of clerks detailed to investigate frauds.

The amount thus available for the present fiscal year was not sufficient to pay the expenses of three inspectors authorized by the laws of the last session of Congress, and but one such officer was appointed.

Since the estimates for the next fiscal year were prepared evidences of fraudulent entry and illegal appropriation of the public lands have accumulated to such degree as to render it, in my judgment, my imperative duty to bring the matter more fully to the notice of Congress, and to ask for a special appropriation to enable this office to take some adequate steps for the protection of the public domain.

I transmit herewith copies of reports of special agents and extracts from letters received from official and other sources, which exhibit some of the methods of illegal entry which now prevail, and serve to indicate the alarming extent to which these frauds are carried.

The rapid absorption of public lands under the various acts for their appropriation and disposal has brought the remaining lands into great request, and the marketable price of unimproved land in many parts of the country much exceeds the Government price.

This fact stimulates entries for speculative purposes, and the exceedingly liberal legislation of Congress designed to favor actual settlers, has become an instrumentality for the fraudulent acquirement of titles and claims by means of which the actual settler is prevented from making settlement unless he enters into an expensive contest to clear the land from a fraudulent claim, or purchases at a speculative price the relinquishment of some claim of that character.

My information is that desirable agricultural lands in new States and Territories are, in many instances, and in some portions of the country apparently in all instances, covered with claims simultaneously with the filing in the local land office of the plats of township surveys.

These claims consist of pre-emption filings, soldiers' homestead filings, timber-culture entries and homestead entries. Such filings and entries are frequently made by professed agents or attorneys, who in many cases immediately thereafter advertise relinquishments of the same for sale. The offering of relinquishments in this wholesale manner is *prima facie* evidence of the fraudulent character of claims proposed to be so relinquished. And yet such claims hold the land until the parties controlling the relinquishments can find customers in the persons of actual settlers or other parties who will buy the relinquishments from them, unless the fraudulent claims are removed by individual contests, or by an investigation and hearing at the instance of the Government.

Settlers seeking lands cannot usually afford to expend the means or time necessary to the prosecution of a contest, and they are, therefore, compelled by the circumstances of the case either to abandon an attempt to make settlement or to buy their way to the public lands from persons who unlawfully control such lands.

In the Territory of Dakota, which cast 50,000 votes at the last election, the number of agricultural entries to the present date exceeds 150,000, and such entries are now being made at the rate of more than 50,0000 yearly. As a very considerable portion of the inhabitants are settled on railroad lands and school sections, it is manifest that the number of entries of public lands is far beyond the actual occupation of such lands, and far beyond the entries that could legally have been made. The governor of this Territory in his last annual message to the legislative assembly, makes the following statement:

"The well-intended acts of Congress, allowing the entry of 160 acres of land as a tree claim, have been so completely nullified by the manipulations of land-sharks that our broad and fertile prairies are comparatively treeless."

The governor recommends that a certain number of acres of land be exempted from Territorial and local taxation in order to encourage the growth of trees and homesteads, for the reason expressly given, that frauds have been so extensively perpetrated under the timber-culture act, that the practical operation of that act has been to prevent instead of to promote the cultivation of trees.

These frauds are not confined to the Territory of Dakota, but extend to other States and Territories as well.

Under the desert-land act entries are procured to be made in the interest of others than the professed entryman, in violation of the restriction to one entry by any one person, and large tracts of land are thus unlawfully secured.

Desert entries are also frequently made upon good grass or agricultural lands which are leased for grazing or other purposes, or held for speculation. Such entries are also used to control the water supply upon which larger areas of country are dependent, when no intention of complying with the law exists, or little or no attempt at such compliance is made.

Forged soldiers' additional homestead certificates have been located on a large belt of the most valuable timber land in California, and the timber cut and removed.

In the grazing districts of Western Kansas, in Colorado, New Mexico, Arizona, California, Nevada, Idaho, Wyoming, and Montana, the title to agricultural lands and water rights is in large classes of cases obtained by perjury and fraud, followed or preceded by the unlawful inclosure of tracts of public lands, varying from some thousands to several thousand acres each, over which dominion is exercised by private parties to the exclusion of valid settlement rights under the laws of the United States. It appears also, in some cases, that lands so fenced in are parcelled out according to the number of the cattle possessed by individual ranchmen, and the right to herd upon such public lands leased to them for a money consideration.

In California, Oregon, and Washington Territory collusive entries are made under the timber-land act for the purpose of procuring or controlling the timber in large quantities, contrary to the restrictions of the law. It is also represented that lands valuable for agriculture, as well as for timber, are entered under the timber-land act, and that titles to large bodies of timbered farming lands are thus illegally obtained by single individuals.

Valuable timber lands, and lands unfit for anything but timber, are fraudulently entered under the homestead and pre-emption laws in the above and other States and Territories.

Timber lands in Northern Minnesota have been so largely entered by false affidavits of settlement under these laws that I felt compelled during the past year to place 3,000,000 acres on the market at the minimum price on agricultural land to avoid such wholesale criminality.

A partial investigation in Alabama has disclosed the fact that the Government has been defrauded out of some millions of dollars through the unlawful entry of coal and iron lands under agricultural laws. Information of similar frauds committed in Colorado and elsewhere, has been pressed upon my attention, but not investigated for want of means.

Complaints of frauds, and appeals for the protection of bona fide settlers from the exactions and oppressions of those who commit or cause these frauds to be committed, are constantly coming up to this office. A flood-tide of illegal appropriations seems to be sweeping over the new States and Territories, threatening to engulf the entire public domain.

The time has arrived when, in my serious judgment, either a complete radical change in public land laws and administration, or some adequate means of enforcing the penalties of existing law, has become an alternative that can no longer be disregarded.

This office has never been furnished with facilities or means to secure a compliance with the requirements of the public land laws.

I have been able to make investigations no further than to the extent of demonstrating the necessity and utility of such service; but the little that has been done has produced such results as to satisfy me that it is within the administrative power of this department to materially check these frauds, and that the cost of such service, however apparently large, is trifling in view of the pecuniary results alone that may be achieved, irrespective of larger considerations of the promotion of the general welfare.

There are now before this office claims in some initiative or progressive stage covering titles to more than 200,000,000 acres of land, of which some 50,000,000 acres are embraced in individual entries under general laws.

That a very considerable proportion of these claims are without validity or merit is indisputably true. Yet this office has been compelled for years past to treat doubtful claims as valid, and to pass over to claimants the title of the United States because it could not investigate the facts.

The same course must largely be continued unless a change in means and measures shall be effected.

If a small portion of the money to be recovered for the use of the United States from the cancellation of fraudulent entries, or a still smaller portion to be saved from the avails of the sale of mineral and timber lands that are now illegally appropriated, could be made available for the expense of investigations and the costs of trials, this service could be properly performed.

There ought to be in each land district in the United States at least one competent and reliable special agent, and in this office a sufficient organization to supervise and direct the work of such agents.

While I hesitate to ask for the full appropriation which the needs of the public service demand, I do earnestly recommend and urge that an appropriation of $150,000 be made for the expenses of special agents and examiners, and of clerks detailed to investigate frauds, for the service of the next fiscal year, and that an appropriation of $50,000 be made for similar service for the remainder of the present year.

Very respectfully,

N. C. McFARLAND,
Commissioner.

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SAN FRANCISCO, CAL., *July* 22, 1881.

SIR: * * * I also note the following transfers of several fraudulent entries, only partially reported in my former letter, to wit:

F. P. Piper: Lots 4, 5, 6, and 7, in Sec. 1; Lots 4, 5, and 6, in Sec. 2, 22 N., 14 W. Transferred to Geo. E. White August 11, 1879. Date of proof, Book 25, page 149.

J. M. Steele, sr.: Lot 3 and E. ½ 1 and 2, Sec. 1, 22 N., 14 W. Transferred to Geo. E. White November 13, 1880. Date of proof, Book 24, 165.

M. J. Lee: SW. ¼ SW. ¼ and N. ½ SW. ¼ 1, and NE. ¼ NE. ¼ 2, 22 N., 14 W. Transferred to Geo. E. White May 1, 1878, day after. Proof, Book 24, 371.

D. C. Mackey: SE. ¼, 1, T. 22 N., 14 W. Transferred to Geo. E. White July 24, 1878. Date of proof, Book 18, 448.

James Edwards: Lot 9 and W. ½ lots 2 and 8, Sec. 1, 22 N., 14 W. Transferred to Geo. E. White July 27, 1878, two days after. Proof, Book 18, 447.

H. Taylor: Sec. 15, 22 N., 14 W. Writes me admitting his wrong-doing, or rather that he did not comply with the law. I make no special comment on his case.

Rose Wilsey and L. B. Tuttle, same township and range, have not made transfers, or rather they have not been placed on record.

All the above transfers have been filed quite recently. This fact and their date and character of improvements, which have been noted, make a *prima facie* case of fraud in each.

Very respectfully,

WILSON T. SMITH,
Special Agent.

The COMMISSIONER OF THE GENERAL LAND OFFICE,
Washington, D. C.

In the matter of irregularities relating to the entry of lands in Mendocino County, California.

S. P. Davis, a citizen of Contra Costa County, being duly sworn, deposes and says: That he was a resident of Round Valley, Mendocino County, California, from 1871 until 1879; that during that period he was well informed as to the manner in which pre-emption and homestead entries were made and proven up, to wit, generally without improvements of any value and in the interest of sheep and stock men having capital and desiring to secure large ranges for their stock, including George W. Henley & Bros., George E. White, Asbill Bros., and others.

Their manner of procedure was to employ their herders and other parties to make pre-emption filings for a consideration, which was from $50 to $200 per quarter section. This affiant could give many names by whom and the lands so proven up if he had access to the records of the United States land office at San Francisco. In one instance now remembered, Sturdevant & Force, of Ukiah, employed a large number of men to file and prove up pre-emptions for them in Rodear Valley, and solicited this affiant to engage in the same business; also Crawford & Falls, who had a range in the forks of Ed River, north of Rodear Valley; also one Josiah Anthony solicited this affiant to make a pre-emption filing for him. Generally it was agreed that the stock-men were to make the improvements or allow the pre-emptor $20 for making them in addition to the price agreed upon for the pre-emption right.

Affiant believes he could name fifty persons who have made such arrangements with stock-men, but never knew one who made any pretense of residing on their claims, unless it was some one who happened to be herding stock in that vicinity for the man who had employed him to make the pre-emption. This practice was common in Mendocino County, and this affiant is informed and believes it was also common in Humboldt and Trinity Counties, but of the latter he has no personal knowledge.

That this affiant was a citizen of Round Valley at the time of the passage of the act of March 3, 1873, restoring a portion of the Round Valley Indian Reservation to the public lands. That he was present when C. F. Roberts, register United States land office at Eureka, came to said Round Valley and commenced to take filings under said act of March 3, 1873, on the 11th day of August, 1873, and was in daily attendance while the said Roberts remained in Round Valley. The receiver of the land office was not present. The filings and proofs were made at the same time. There were no lands offered at public sale, except such as were claimed to have improvements on them. That George E. White, by himself and persons whom he had employed, secured fourteen quarter-sections of land; George W. Henley secured eighteen quarter-sections, Lindley Williamson three and a half quarter-sections, and W. P. Melendy five and a half quarter-sections, while under the act 320 acres was the limit any one person was entitled to enter, making a total of some 4,000 to 5,000 acres entered in fraud of the rights of actual settlers, through the open favoritism of the said C. F. Roberts, register.

When any one came in to file and prove up, who was in the interest of the "ring," White would be present, and it was only necessary for him to say to Roberts that the claim was all right, when it would be passed and the entry allowed without further form or investigation, Roberts in such cases saying it was only necessary to own the improvements, residence not essential. But when a bona fide settler came in, who was not vouched for by the ring, he was required to locate his entire claim by legal subdivisions, to show his improvements and their value, and that he was a resident thereon March 3, 1873. In one contested case the said Roberts, register, proceeded to a private house, some miles distant from the usual place of receiving filings and proofs, in fact to the house of one of the real parties in interest, and without the knowledge of the contestant, and in the night-time took *ex parte* affidavits in the interest of the claimant.

The charges made by the register for filing and proving was: For filing, $6, and

proof, $12, regardless of the size of the claim. This affiant paid the sum of $18, and was awarded 80 acres. This affiant was solicited to subscribe the sum of $25 for the purpose of paying the said Register Roberts for coming to Round Valley, which he did not do, believing the same to be illegal. The said Roberts was to have recovered the sum of $800, over and above his fees, and this affiant is informed and believes he did receive the sum of $500 in addition to the amount charged as fees, making a total of about $1,600. That the receiving of said sum of money was corrupt, as he believes, and influenced the decision of the said Roberts in favor of the ring, or combination, paying the same when the interests of said ring came in conflict with other claimants. That this affiant was present every day during the time that filings and proofs were being made, and could not be otherwise than cognizant of the fact that certain persons were allowed to make proof without due inquiry or investigation as to settlement or occupancy and entries permitted, which did not come within the requirements of the act March 3, 1873.

One John D. Wathen entered 320 acres for George E. White. Had no improvements whatever and never resided thereon. This entry was contested by Mrs. Mildred Thomas. The testimony was taken by some one other than the register. The said Wathen secured the land and conveyed the same to White. To further show that the said Roberts was in the interests of this combination, this affiant states that one C. F. Davis had made a filing on the SE. ¼ 8, 22, 12, and, after having paid for the same, the said Roberts, before hearing any testimony, or knowing anything of the merits of the claim, other than what Henley or White may have said to him, in the presence of this affiant, told the said Davis that he (Davis) had better withdraw his claim for the land and let W. P. White enter it, as he (Davis) could not hold it, and this notwithstanding the said White had never resided upon or exercised any control over the said tract; in fact, did not even reside in Round Valley, while the said Davis had made improvements on said land prior to March 3, 1873, which said improvements had been torn down and carried away by force of arms by the said White, Henley, and others in their employ, and Davis threatened with violence and death should he make any attempt to renew his settlement. Seeing the register had already prejudged his rights, and that it was useless to contend against the deciding power, Davis abandoned his attempt to secure the land.

One George W. Morrison proved up on 160 acres, which he had sold to Henley prior to making proof.

One William Murphy, residing in Williams Valley, some eight miles distant, proved up on 320 acres for Lindley Williamson, which embraced Williamson's dwelling and a part of his improvements, while Williamson himself proved up on 280 acres of land he did not reside upon, the same being in part inclosed and occupied by others who did desire to enter it.

One A. O'Dell proved up and entered NW. ¼ 6, 22, 12, for the use and benefit of W. H. Hoffman, and was to have $200 for so doing. O'Dell had no interest in the land whatever, but in order to enable him to make the proof, a mortgage was executed to him by Hoffman. No indebtedness existed. After the entry was completed the entry was transferred to the said Hoffman, who proved up and entered the N. ½ 24, 22, 13, for George E. White, in consideration of the O'Dell land to him.

In another instance, John Baker, who went to Eureka and proved up his claim there, and paid all the office fees demanded of him. His certificate of entry was to be sent to Covelo, which was done, with instructions from Register Roberts to collect $13.50 more as expense money for the said Roberts's trip to Round Valley, notwithstanding the business was all transacted at the land office at Eureka. The said Baker never received his certificate. He subsequently sold his land to G. W. Henley.

Dr. W. P. Melendy proved up on 280 acres, Mrs. Long on 320 acres, and L. Cornelia Long contested for 320 acres, of which 240 acres were awarded her by Register Roberts. All this land was for Dr. Melendy, at whose instance Mrs. Long and daughter were induced—yes, compelled, being members of his family—to make these claims, which said claims were proven up for them, or rather in their names, by George E. White and G. W. Henley.

Dr. Melendy had in April, after March 3, 1873, brought suit against this affiant for trespass on the same land proven up for L. Cornelia Long, while at that time she claimed land elsewhere, to wit, the SE. ¼ 6, and NE. ¼ 7, 22, 12. On the contested claim she had no improvements, and only pretended to own a string of fence 50 yards in length, said to have been bought of W. P. White, though previously sold to this affiant by George E. White. Dr. Melendy claimed 880 acres, and returned that amount of land to the assessor of Mendocino County for the years 1873–'74. When the filings and proof were made in Round Valley, in cases not contested, the register, C. F. Roberts, received the entry-money. In the case of this affiant, contested and heard at Eureka, the sum of $400 was tendered and received by the United States land officers, and remained in the hands of the receiver for several days, who represented that the contest might not be settled for ten years, and that this affiant had better take the money back again, which was done.

The following is a statement of lands entered under the act of March 3, 1873, by substitutes, for the benefit of the parties named, to wit:

	Section.	Township.	Range.	Acres.
George E. White, for White				320
Robert Donoson, for White, N. ½	17	22	12	320
W. N. Frity, for White, NE. ¼ and S. ½				
W. N. Frity, for White, NW. ¼	18	22	12	240
W. P. White, for White, NE. ¼ 17 and SE. ¼	8	22	12	320
W. H. Hoffman, for White, N. ½	24	22	13	320
William Pullen, for White, SW. ¼ and SW. ¼ SE. ¼	16	22	12	200
M. C. Barnes, for White, S. ½	13	22	13	320
J. D. Wathen, for White, NW. ¼ 13 and NE. ¼	14	22	13	320
Making a total for George E. White of				2,360
G. W. Henley, for Henley, NE. ¼ 19, and NW. ¼	20	22	12	320
William Turner, for Henley, W. ½	29	22	12	320
Thomas J. Henley, for Henley, SW. ¼ 17 and SE. ¼	18	22	12	320
Isaac Lilloson, for Henley, SE. ¼ and S. ½ SW. ¼	22	22	13	320
for Henley, N. ½ NW. ¼	27			
P. K. Dodge, for Henley, S. ½	20	22	12	320
J. W. Turner, for Henley, E. ½	29	22	13	320
T. B. Henley, for Henley, S. ½	19	22	12	320
G. W. Morrison, for Henley, SE. ¼ 17 and NE. ¼ (¼)	20	22	12	160
Whitcombe Henley, for Henley, SW. ¼ 18 and NW. ¼	19	22	12	320
Making a total of, for G. W. Henley				2,720
W. P. Melendy, SE. ¼ 6, S. ½ SW. ¼ and SW. ¼ SE. ¼	5	22	12	280
L. Cornelia Long, NW. ¼ and W. ½ NE. ¼	8	22	12	240
Lodena Long, NE. ¼ and N. ½ SE. ¼	7	22	12	240
A. O'Dell, for Hoffman, NW. ¼	6	22	12	160
William Murphy, for Williamson, S. ½	4	22	12	320

This affiant would further state that the foregoing list was taken from the filings made before Register Roberts in Round Valley, and in transcribing the same some inaccuracies may have occurred, but he thinks he will be found in the main correct. To all of which he sincerely subscribes, to the best of his knowledge and belief.

S. PAUL DAVIS.

CONTRA COSTA COUNTY,
State of California, ss:

Subscribed and sworn to before me this 22d day of March, 1881.

WILSON T. SMITH,
Special Agent.

SAN GORGONIA, SAN BERNARDINO COUNTY, CALIFORNIA,
October 17, 1884.

To the Hon. SECRETARY OF THE INTERIOR:

DEAR SIR: The committee of United States Senators who made investigation of Indian affairs on Pacific coast came to Los Angeles and did not meet a fair representation of the interests in Banning Reservation. While the Indians are much less now than they were before the whites made any settlement, they have all their lands they ever occupied in the last eight years, to my knowledge, and have never been molested in the least. There are two white settlers in the Indian Potrearo and above the Indians, on their little stream of water. If it should be the policy of the Government to make any reservation more than they now occupy, those two settlers who were occupying the land before being set aside for Indians should be bought out and the other lands restored to Government for settlement. As for all the Indians here, they would have a plenty of land, all they say they want. All the other lands in the reservation are now occupied by whites that is worth occupying. Speculation is the largest interest. In the other lands than occupied by Indians there are four townships, township 3 having more good land than all the other three, and having a railroad station and a good stream of water, owned by capitalists. They *are* such compared with other settlers here. The Indian agent tells me that he will propose to have township 3 restored to Government. The agent of speculators in land and water and the Indian agent met senatorial committee at Los Angeles, and I am safe in say-

ing that their report in regard to the situation of the Indians and the white settlers here is arranged to the satisfaction of the speculators, and should the Government take any action on such representation as this land agent would make, it will work a hardship upon the poor settlers, and with no benefit to the Indians. We had meeting of settlers called, and in the meeting land agent showed his hand very plain—that the only interest in the lands here reserved for Indians is between capitalists who want to speculate and white settlers. When the land agent ran as a delegate to meet senatorial committee at Los Angeles he received one vote. The committee which was elected by the people could not or did not know of the Senate committee's arrival; hence the report of land agent is all they could receive on our situation.

Honorable Secretary, my incentive for writing to you in my humble way is to get, if possible, an investigation; and as it looks now, as it always did in this affair, that it is kept unsettled in the interest of speculators. The Indian agent is trying to get me to say or do something to get to eject me. Alone he is continually asking me in regard to what he has heard of my making threats of violence, &c., if he should put the Indians on the land which I am on. I have in every instance told him that when he could show me conclusively that these lands were going to be used absolutely for Indians, and not for a speculation by him and his favored few, then I would, by the same law being enforced upon speculators' interests and settlers alike, acquiece in the matter, when I believe that it is the policy of the Government to protect the interest of actual settlers on the public domain. I am sure, from what is being done here in the way of speculation, that the correct statement of our situation has never reached headquarters. The reason is that it has been in the hands of the speculators' agents to forward petitions, &c. Everything is becoming transparent, and the matter is too plain now to be mistaken that there is a great deal of rotten dealing in this, and has been for a long time. The railroad company claims the odd sections, and it is in the foot hills of the mountains that I have been cultivating about 300 acres of railroad lands for the last four years; bought out claim which was made over twenty years ago. I have made a little money, but not enough to speak of, if I should have to leave without anything for improvements, which Indian agent says I shall. In the name of a soldier and a member of the Grand Army of the Republic I ask for a square deal in this. Remember, it is my fear of speculators' interest hurting me, not the true interest of the Indian.

Respectfully yours,

SAM'L N. BLACK.

P. S.—If you will please write me if I can expect examination in our case further than reports above stated, you will confer a great favor to the interest of the poor and worthy settlers here.

S. N. B.

[Clinton B. Fisk, chairman, Saint Louis. E. Whittlesey, secretary, Washington.]

BOARD OF INDIAN COMMISSIONERS,
Washington, D. C., Nov. 22, 1884.

Hon. H. L. DAWES,
Chairman of Senate Committee on Indian Affairs:

DEAR SIR. Learning that you propose to report to the Senate some measure for the relief of the Mission Indians of California, I have the honor to transmit the following extract from a report of a visit to several agencies in Arizona and California last spring by Messrs. Smiley and myself by direction of this Board.

Very respectfully,

E. WHITTELSEY,
Secretary.

"At San Francisco, March 15, we called on Governor Stoneman, formerly a member of our Board, and had a long coversation with him respecting the Mission Indians of Southern California. He speaks well of them; employs ten families on his farm at San Gabriel, and finds them faithful and industrious. His opinion is that a good agent could place all the Mission Indians on farms of white men, where they would earn a comfortable living, and their children could attend the public schools. Now they are generally poor and have no land secured to them as their own. * * * In Los Angeles we met Messrs. Brown and Wells, who are appointed by the Department of Justice to defend the rights of the Saboba Indians *vs.* Byrnes, to whom the ranch, including Saboba village, was patented in 1880. Byrnes has began a suit for ejectment of the Indians living in that village. They, through their counsel, claim that they have a right to the lands they occupy under Mexican law and the treaty of Guadalupe-Hidalgo. Messrs. Brown and Wells have moved to transfer the case to the

United States court, and propose to make it a test case to settle the rights of several Indian villages in like situation. We also met Mr. Abbot Kinney, of Sierra Madre Villa, 18 miles north of Los Angeles, who was associated with Mrs. Jackson last year in investigating the condition of the Mission Indians. He gave us much interesting information concerning them, their troubles and wants. We consulted several intelligent people, among them Mr. H. N. Rust, of Passadena, with regard to a proper site for an Indian industrial school in Southern California, and after canvassing the claims of several places, we came to the conclusion that Passadena, 8 miles north of Los Angles, presents the most attractions. The situation is beautiful. It is near the largest and most prosperous city in that part of the State. It has a Christian people, who would take an interest in such a school. It is a temperance town, the only one we found in California, public sentiment prohibiting the sale of intoxicating liquors. It is visited by many thousands of tourists every year, and an Indian school would receive from them attention and help. It is true that good land with water privileges is held at a high price, but a few acres of such land would suffice, and dry grazing land is very cheap. We have communicated our views to Dr. Kendall, secretary of the Presbyterian Mission Board, and we hope to see an Albuquerque or a Carlisle school established somewhere on the Southern Pacific coast.

March 24 we arrived at San Bernardino, 3 miles northeast from Colton, on the Southern Pacific Railroad. There we met Agent McCallum, recently appointed from Oakland, Cal. He explained to us the situation of the numerous small villages and bands under his care widely separated, and some of them difficult of access. He is much troubled to transport books for the schools and the small supplies of food and clothing for the sick and infirm. If he had authority to deposit these supplies with the teachers as subagents the difficulty would be removed. The agency physician, Dr. Hasley, a very competent young man, of fine appearance, complains of the same trouble, He is serving on the absurdly low salary of $500, and cannot afford to visit the distant villages. His only recourse is to send medicines to be administered by the teachers under his written instructions. He ekes out a living by private practice in San Bernardino. The agency office is in a private house, which is rented at $25 per month. It serves as a residence for the agent, and is sufficient for the business required here.

The railroad to San Diego being broken up by the floods, we could not go to the Indian villages on the line of that road and in San Diego County as we had intended. Therefore, from San Bernardino we went on to Banning, arriving there March 26, at 12.15 a. m. The best accommodations we could find was a chair by the cook stove in a small eating-room near the station. Early after breakfast we drove 5 miles to Procrero, a small Indian village, where we found a day-school of twenty-seven scholars, twelve boys, and fifteen girls, taught by Blanche Livingston, a brave young girl of seventeen years, who lives there alone among the Indians. We heard classes in reading and arithmetic. The scholars are very irregular in attendance, their parents feeling but little interest in their education. The school-house is a rough board structure worth, perhaps, $100. The number of Indians in this Procrero band is about one hundred and fifty; they are poor and thriftless, yet good workmen on farms when starvation compels them to work. They have small fields under cultivation, with some vineyards and a few fruit trees, which they irrigate in a rude way. They make wine, and drink it to excess. Banning is on the reservation, and many settlers have made improvements and constructed water-works, expecting to push the Indians off. These poor people should have some portion of their land secured to them soon by a patent.

We were much disappointed that we could not see more of the Mission Indians, but we learned enough of their condition to convince us that they have been greatly wronged, first, by the Mexican Government and then by our own Government, in giving away the lands that they have long occupied and believed to be their own. Justice demands that the rights of these inoffensive people be defended, and, if legal complications are found in the way of their remaining in possession of their old homes, then we are morally bound to provide for them suitable and sufficient lands for their support.

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ALBERT K. SMILEY.
E. WHITTLESEY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 18, 1885.

SIR: In reply to your request the 15th instant, I have the honor to furnish the following statement, showing the cost to the Government of the Round Valley Agency, California, from the fiscal year beginning July 1, 1872, to the fiscal year ending June 30, 1884, both years inclusive, viz:

1873	*$14,765 36
1874	*17,511 97
1875	36,748 00
1876	25,564 99
1877	24,346 21
1878	17,923 22
1879	20,879 66
1880	18,462 74
1881	18,013 98
1882	15,581 52
1883	16,894 30
1884	15,283 98
Total	241,975 93

It is not claimed that the preceding statement is absolutely correct; such a statement could only be furnished after an exhaustive examination of twelve years' records, which it is impossible to make and give you the result by Wednesday morning. It is believed, however, that the figures given are approximately correct.

Respectfully,

H. PRICE,
Commissioner.

Hon. H. L. DAWES,
United States Senate.

[House Ex. Doc. No. 118, Forty-third Congress, first session.]

Draught of a bill transmitted by the Secretary of the Interior, to amend an act to restore a part of the Round Valley Indian Reservation, in California, to the public lands, and for other purposes, approved March 3, 1873.

A BILL to amend "An act to restore a part of Round Valley Indian Reservation, in California, to the public lands, and for other purposes," approved March 3, 1873.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the Indian reservation in Round Valley, California, which lies south of the township line running east and west, between townships twenty-two and twenty-three, north of ranges twelve and thirteen west of Mount Diablo meridian, be, and the same is hereby, restored to the public lands of the United States, and the Secretary of the Interior shall cause the same to be surveyed, appraised, and offered for sale in legal subdivisions, at not less than the appraised value: *Provided,* That the improvements owned by persons on the lands hereby restored, before the passage of this act, shall be the sole property of such persons; and all such persons who were actual bona-fide residents upon such lands on the 3d of March, 1873, shall have priority of right to purchase not exceeding one hundred and sixty acres of land in adjacent legal subdivisions, containing and adjoining said improvements: *And provided further,* That those white settlers referred to in the second section of this act, residing upon and owning improvements north of said southern boundary of said reservation as established by the said section, shall have priority of right to purchase not exceeding one hundred and sixty acres of land in adjacent legal subdivisions, at not less than the appraised value, after the actual settlers in the first proviso of this section after a reasonable time, to be fixed by the Commissioner of the General Land Office, in which they shall have proved up their locations and perfected their claims; and all said lands shall be sold and disposed of for cash only, the same to be done through the local land office within the jurisdiction of which these lands are situated: *And provided further,* That the proceeds of the sale of the lands hereby restored, or so much thereof as may be necessary, shall be used to pay for the improvements and claims of settlers now residing within the limits of the new reservation created under this act, and for improvements of Indians on lands hereby restored to

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* Not believed to be complete.

the public lands, after such improvements shall have been appraised and the appraisement approved, as hereinafter provided.

SEC. 2. That said township line between township twenty-two and twenty-three north, extending from the middle fork of Eel River on the east to Eel River on the west, shall hereafter be the southern boundary of the Indian reservation in Round Valley; and the center of the middle fork of Eel River shall be the eastern boundary, and the center of Eel River shall be the western boundary of said reservation, with the privilege of fishing in said streams. And the Secretary of the Interior is hereby authorized and directed to appoint three commissioners, who, after having examined the country in that locality and reported their views in regard to where the northern line of this reservation should be located, shall also make an appraisement of all improvements of white persons north or said southern boundary of the reservation, as established by this section of this act, within the limits proposed by them for a reservation, and of all Indians south of said line; they shall also examine and report all claims of any persons to any of the lands north of said southern boundary, whether acquired by pre-emption, homestead entry, or purchase, the character of such claims and their estimated value, and report the same to the Secretary of the Interior, who shall cause the same to be paid to such settlers or Indians out of the money herein-before reserved for such purpose.

SEC. 3. That immediately after the passage of this act, the President shall cause to be withdrawn from sale or entry under the homestead and pre-emption laws all the land lying north of the southern boundary of the reservation, as herein defined, and bounded north by the Eel River and the north fork of said river, east by the middle fork, and west by Eel River, and the report of said commission fixing the north boundary of said reservation shall have been approved; and all settlers now residing upon the tract herein described lying north of the south boundary of said reservation shall be required to remove therefrom as soon as they shall be paid for or tendered the amount of the appraised value of their improvements, or of their claims to lands therein, respectively.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

SIR: I have the honor to submit herewith a copy of the report with copies of the accompanying papers of the commission appointed under the second section of the act of Congress approved March 3, 1873, entitled "An act to restore a part of the Round Valley Indian reservation in California to the public lands, and for other purposes," (Stats. at Large, vol. 17, p. 633), to examine the locality for the establishment of the northern boundary of said reservation, and to make an appraisement of the improvements of white settlers north of the southern boundary of the said reservation as established by said act, and of the improvements made by Indians south of said line.

I also submit herewith a draught of a bill which accompanies said report to amend said act of March 3, 1873, in the manner indicated in the report of said commissioners, and respectfully recommend that the same be transmitted to Congress for the action of that body.

Very respectfully,

E. P. SMITH,
Commissioner.

WASHINGTON, D. C., *November* 1, 1873.

SIR: The board of commissioners, appointed by the Hon. Secretary of the Interior in pursuance of an act of Congress entitled "An act to restore a part of the Round Valley Indian Reservation, California, to the public lands, and for other purposes," passed March 3, 1873, submit the following report:

By your instructions, dated May 6, 1873, we were required: First, to make examination of the country embraced within and adjacent to the proposed Indian reservation; second, to make an appraisement of the improvements of all white persons north of the southern boundary of the reservation; third, to make an appraisement of the improvements of all Indians south of the southern boundary of said reservation.

The commission reached the Round Valley Indian Agency on the 2d day of June, 1873, all the members present, and at once entered upon the discharge of their duties. A careful reconnaissance of the entire reservation was made by the members of the commission, and the mountainous country of the northern portion thoroughly explored to ascertain the most practicable northern boundary. That portion of the country being unsurveyed, we were anxious to select natural boundaries that could be so well described as to avoid misunderstanding and prevent encroachment by white settlers and herders.

The boundaries selected are of this character, being cañons and water-courses,

strongly defined, some of them practically impassable and well known throughout the entire country. We recommend the following as the boundary of the reservation:

Beginning for the same at a point in section 36 of township 23, range 12 west of Mount Diablo meridian, where the township line crosses Eel River, being at a point about eighty (80) rods west of the southeast corner of said township and section; thence following the course of Eel River, up said stream in the center thereof, to a point where the same is intersected by the stream known as William's Creek or Bland Mountain Creek; thence following up the center of said creek to its extreme northern source on the ridge, dividing the waters of said creek from the waters of Hull's Cañon or Creek, a tributary of the North Fork of Eel River, at the foot of Bland Mountain, crossing said dividing ridge at a point on a line where a small white-oak and a cluster of arbor-vitæ trees are branded with the letters U. S. R.; thence in a direct line to the center of said Hull's Cañon or Creek; thence down the center of the same to its intersection with the North Fork of Eel River; thence down the center of said North Fork to its intersection with the main fork; thence following up the main fork of the Eel River, in the center thereof, where the township line between townships 22 and 23 north, range 13 west, would intersect said river if produced; thence east along said township line through ranges 13 and 12 to the place of beginning. We would also recommend, the reservation to the Indians occupying the Round Valley Reservation, of the right to fish in the Middle Fork of Eel River and in Eel River up as far as Bland's cave.

The northern portion of the reservation, if our recommendation as to the boundary meets the approval of the Department, is very mountainous, the highest elevation being probably five thousand feet. This portion is well timbered with pine timber of excellent size and quality for manufacturing into lumber.

There is also excellent pasturage for horses, cattle, and sheep, which for several years has been used by squatters who have no legal right thereon. The Indians there have experience as herders, being employed by the citizens for that purpose, and it would be well to encourage them to engage in sheep and cattle raising.

The area of mountainous country embraced within the proposed boundaries will afford ample range and excellent pasturage during the entire year for at least thirty thousand head of sheep, besides all the cattle and horses which can be properly managed by the agent. If well stocked and cared for, the agency could be made self-sustaining in a very few years.

We submit herewith a schedule of appraisement of the improvements owned by citizens and located upon the new reservation, marked A. Some parties have probably acquired rights to lands within the reservation by pre-emption or homestead settlement. If such rights exist, measures should be taken for their extinquishment by payment to the parties of such amounts as their claims may be worth. Still other parties have patents for lands embraced in the reservation, all of whom are willing to sell to the Government.

Our instructions were silent in reference to lands claimed in the new reservation, and also as to the lands south of the southern boundary of the reservation, but we nevertheless respectfully submit some suggestions relative to the latter class, based upon our actual examination of them.

That portion of lands south of the reservation which lie within the valley is, for the most part, of the very best quality of farming lands, upon a great portion of which excellent crops were growing at the time of our visit. They are fully equal to the average quality of the valley farming lands of California, and are for the most part claimed by settlers. The settlers have not entered upon them upon any pretended homestead or pre-emption claims, but simply have laid claim to all the land they wanted for farms in the valley. These claims range in extent from forty-five (45) acres up to eight hundred and eighty (880) acres, the last amount being the largest claimed by any single individual. A firm of two brothers, one of whom resides in the State of Nevada, claim 1,680 acres, while a number of persons claim 640 acres each.

The possessory titles to these claims are recognized as property by the State of California, and the same are listed for taxation; we procured from the assessor of Mendocino County the official appraisement of the property in Round Valley, a copy of which is herewith submitted, marked B. It will be observed that the greater portion of these lands are appraised by the county assessor at $10 per acre, for the possessory-title simple. This would not be an excessive appraisement if the parties had the fee-simple of the land, and, in fact, few of the settlers thereon would sell their claim at the price named, some of them asking $20 per acre, to our personal knowledge. Again, while settlers are restricted to 80 and 160 acres of land under the pre-emption and homestead laws, we found parties there claiming to hold 640 and even 880 acres, and threatening all persons who attempted to settle upon any portion of their claim. The schedule will show the names of all parties whose claims are above the amount allowed to be entered.

In fact, this class of settlers have no more legal right to the property they claim (and even had the valley been open to settlement they would only have been allowed to enter 160 acres each) than the settlers upon the lands in the present reservation. But under the law the latter class of settlers must leave the lands upon which they have

been living, receiving pay only for the improvements, and must remove from the valley entirely, unless some arrangement can be made for them to enter upon the excess of land improperly claimed by the former class. Under the existing law it is not at the discretion of any officer to make any discrimination, but it is respectfully suggested, if practicable, that the attention of Congress be invited to the subject, in order that the settlers who will be ousted from the lands in the reservation may be afforded the opportunity to purchase lands in the valley without the boundaries of the reservation, before any of said lands are offered for sale to persons who were actual residents of the valley at the date of the passage of the act of March 3, 1873.

The area of good land in the valley is ample to furnish farms to all the residents, and we deem it but equitable that some arrangement as we suggest be made. As we have before said, the lands are as good as the average of valley farming lands in the State of California.

The law puts the minimum price for such lands at $1.25 per acre, below which they cannot be sold. Does that limitation imply the right of the Secretary of the Interior to name a higher price for these lands? We think not. We have shown that they are worth from four to eight times as much, and that they cannot be bought from the present claimants at a much higher figure. Some of this value has been created by the occupants, and consists in improvements of houses, fences, and tilled fields. For this appreciation of the property the Government does not expect to be remunerated. Deducting, however, the proper percentage, say from one-half to three-fourths, would reduce the lands to $5 and $2.50 per acre.

Upon this basis, and after carefully examining the quality of the land, we take the liberty to submit, for your consideration, the following appraisement:

Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29, 30, of T. 22 N., R. 12 W	8,960 acres,	at $5.00,	$44,800
E. ½ sec. 1, sec. 12, E. ½ sec. 13, E. ½ sec. 24, T. 23 N., R. 13 W	1,600 acres,	at $5.00,	8,000
W. ½ sec. 13, W. ½ sec. 24, T. 23 N., R. 13 W	640 acres,	at $2.50,	1,600
Amounting in all to	11,200 acres.		54,400

This makes an aggregate of $54,400 of the value of the lands in the valley without the reservation, but embraced within the boundary of the old reservation. By reference to the schedule of the appraisement of improvements upon the present reservation, it will be seen that the aggregate value thereof is $32,969.78. In addition to this, certain claims by pre-emption, homestead and purchase will have to be extinguished, which will require at least $20,000 more, which will absorb the amount realized if the above appraisement should be authorized.

If our scaling of the lands to be sold should be adopted, the amount received from that source will be sufficient to pay for all improvements appraised, and for the claims heretofore alluded to, of homestead and pre-emption settlers and purchases, and for the expenses of the commission. Unless authority is given to appraise these lands at something near their true value, the proceeds of their sale will not be sufficient to pay for the improvements we have appraised; and the appropriation of at least $30,000 will be needed, in addition to the proceeds of sales, to carry out the provisions of the present act.

We therefore respectfully suggest that Congress be requested to so amend the act of March 3, 1873, as to authorize the Secretary of the Interior to cause the lands south of the southern boundary of the reservation, as established by said act, to be appraised and offered for sale, giving preference to the settlers thereon at the date of the passage of said act, and allowing them a reasonable time in which to make proof and payment for their lands. With regard to the lands not so taken by present settlers, preference should be given to those who occupy land within the boundary of the said reservation, who should also be allowed a reasonable time to make entry and payment, before the residue of the lands are thrown open to general sale. We also suggest that all persons, whether settlers or not, purchasing any of said lands, shall be restricted to 160 acres.

We respectfully submit a *projet* of a law embodying the suggestions made above.

The State of California has sold a certain portion of the lands within the new reservation as swamp-lands, and the purchasers are claiming under certificates from the State land-offices. Those lands, however, have not been confirmed to the State by the United States Government as swamp-lands, and we respectfully represent that they are not in any sense of the term swamp-lands, and should not, therefore, be confirmed to the State as such. The references above to claims upon lands in the reservations do not allude to those swamp-lands.

JOHN P. C. SHANKS.
B. R. COWEN.

Hon. E. P. SMITH,
Commissioner Indian Affairs.

A.

Claimant.	Acres.	Section.	Township.	Range.	Character of improvements.	Value of improvements.	
Asbell, Frank					Dwelling-house	$100 00	
					Barn	50 00	
					One-half mile picket-fence	122 78	
					Eight hundred rails and poles	32 00	
							$304 78
Asbell, Pierce					House	100 00	
					Fencing, about 1,200 rails and pickets.	480 00	
							580 00
Asbell, Pierce					One-half mile-fence		150 00
					His house, barn, &c., are south of the township line, and therefore not appraised. Gave him the option to remove his fence or allow it to be appraised. He chose to keep the fence and remove it.		
Ayres, David W					House and outbuilding		300 00
Belvil, Jacob					Double log-house, barn, chicken-house and smoke-house.		200 00
Bourne, C. H					Dwelling-house	1,000 00	
					Storehouse	100 00	
					Barn and granary	1,000 00	
					Chicken-house	50 00	
					Hog-shed and butcher-shop	50 00	
					Seventy-three fruit trees	150 00	
					Seventy-five grapevines	150 00	
					Six miles fencing	2,580 00	
					Buggy-house	50 00	
							5,130 00
Brown, W, J					One mile fencing	250 00	
					Shanty	50 00	
							300 00
Dunlap, James L					House	250 00	
					Barn	50 00	
					One-half mile fence	150 00	
							450 00
Eberlee, C. H					Dwelling-house and lean-to	700 00	
					Barn	800 00	
					Chicken-house	25 00	
					Two hundred fruit trees	200 00	
					Seventy-five grapevines	150 00	
					Four miles fencing—26,000 rails, including corral and pickets and new rails for repairs.	1,050 00	
							2,925 00
Gibson, E. S					Shanty dwelling (shakes), log store-house, shake barn, corral, and fenced field.		1,000 00
Gray, Andrew					Log-house	500 00	
					Barn	100 00	
					Fencing	1,000 00	
					Seventy fruit-trees	70 00	
					Granary	50 00	
					Smoke-house	50 00	
					Hog-shed	25 00	
							1,795 00
Kelly, Bernard					Well 30 feet deep, house lean-to on a rock, chicken-house.		100 00
Laycock, Dryden					Dwelling-house	700 00	
					Store-house	100 00	
					Two barns	700 00	
					Granary and hog-shed	150 00	
					Corn-crib	100 00	
					Chicken-house	25 00	
					Well	25 00	
					Three and one-half miles fence	1,000 00	
					One hundred fruit-trees	200 00	
					Ditch over one-half mile	860 00	
							3,360 00
Leasure, Antoinio					Dwelling-house	200 00	
					Store-house	100 00	
					Barn	300 00	
					One and one-half miles fencing	375 00	
							975 00

A—Continued.

Claimant.	Acres.	Section.	Township.	Range.	Character of improvements.	Value of improvements.	
Lewis, Samuel					Fencing—16,000 rails and pickets	$480 00	
					Dwelling-house, smoke-house, and 2 hog-houses.	400 00	
					One hundred and eighty punch-eons yellow pine.	20 00	
					Two hundred and ten yards picket-fence.	100 00	
							$1,000 00
Murphy, William					House	300 00	
					Barn	300 00	
					Fencing, including corral and garden, 2½ miles.	600 00	
					Granary	100 00	
					Smoke-house	100 00	
							1,400 00
Nuckles, Fayette					Double cabin		100 00
Pollard, William					House	150 00	
					Fencing	500 00	
							650 00
Priaing, G. J					Dwelling-house	450 00	
					Barn	30 00	
					Chicken-house	30 00	
					Five-eighth mile fencing-rail, and ⅛ mile picket-fence.	370 00	
					50 fruit-trees	50 00	
					25 grapevines	50 00	
							900 00
Semmerly, Samuel					Agrees to remove his fencing		
Short, Green					do		
School trustees					Half-breed school-house		200 00
Steele					House, barn, out-house, hewed timber.		250 00
Thompson, David					Dwelling-house	800 00	
					Barn	500 00	
					Fencing	250 00	
					Five-eighth mile picket-fence	250 00	
					Two store houses	50 00	
					One hundred walnut trees	25 00	
					Chicken-house	25 00	
					Forty fruit-trees	40 00	
							1,940 00
Updegraff, Jacob					Shake shanty	250 00	
					Small store-house	150 00	
					Shake stable	500 00	
					Shake barn	500 00	
					Fencing	100 00	
					Corral	200 00	
					Eight cabins and corrals	1,200 00	
							2,900 00
Vaunaden, Wm. P.					Saw-mill, consisting of 1 Wood & Mann's Utica portable 18-horse power-engine, 2 circular saws, and mill-gearing. Mill building indifferent.	4,000 00	
					One balloon-frame dwelling and out-buildings.	$500 00	
							$4,500 00
Wiltsee, J. O					Board house with wing	500 00	
					Shed-barn and open shake spring-house.	100 00	
					Fencing	400 00	
							1,000 00
Youree, Frank W.					Cabin on homestead		200 00
					Total		$2,669 75

B.

ment roll of Mendocino County, California, for the year ending March 1, 1874.

inhabitants.	Description of claim.	Section.	Township.	Range.	Acres.	Value of land.	Value of improvements.
Thomas	Bounded north by claim of R. Atkinson, west by claim of Bishop.				160	$580	$100
Josiah	North half of southwest quarter and south half of northwest quarter.	5	22	12	160	1,600	1,300
W. and P	Range known as Summit Valley						1,000
	Also east half of	6	22	12	320	3,200	1,500
Youree	Improvements on	6, 27	23	12			720
James	Bounded west by claim of Josiah Anthony, east by claim of Williamson, south by the Davis ranch.				160	1,600	200
s, J. P	North half of southwest quarter of	3	22	12	80	400	150
, Robert	Range bounded north by claim of Patter, south by claim of T. Atkinson, west by claim of Goggins.				160	200	100
enjamin	Bounded north by claim of Pullen and Goggins, east by Atkinson.				320	1,220	300
l & Murphy	South half of northeast quarter, and southeast quarter of northwest quarter, and northwest quarter of southeast quarter.	21	23	12	160		2,000
l & Carpenter	Fashion livery stable, Covelo				100		500
L. C	Bounded north by Gibson's claim, east by Henley Brothers, south by claim of Hoffman.				320	750	150
. H	Improvement on land bounded east by Eberle, south by old reservation land.						3,500
elson	Northwest quarter of	21	22	12	160	425	100
. T	Northwest quarter and north half of northeast quarter of.	5	22	12	240	2,000	240
. C	South half of north half of	9	22	12	160	1,600	150
s	Southeast quarter of northeast quarter	12	23	12	40	150	100
. N	Southeast quarter of	6	22	12	160	1,600	
I. N	Not given					320	80
Ed	do					400	100
G	Improvements covered by reservation						500
. Nefus	do						700
D. C	Southwest quarter of	6	22	12	640	4,475	1,000
	Also 100 acres of southeast quarter of	1	22	13			
	Also range in forks of Eel River.						
Bass	Northeast quarter of	8	22	12	160	1,600	250
hilip	North half of	5	22	12	320	3,200	100
& Squires	Range bounded north by Eel River, south by county line, west by claim of Edsall.				320	320	80
. L	Improvements covered by reservation						250
Robert	Not given				160	1,600	200
Joel	Northeast quarter of	30	22	12	160	900	200
& Co	Town lot in Covelo					200	700
. H	Improvements on land bounded west by Bourne, south by old reservation, included in new reservation lines.						2,600
A	Bounded north by claim of S. Simmerly, west by claim of Putnam; also range, bounded south by claim of Simmerly & Logan, north by Eel River.				640	$800	$400
Thomas	Southwest quarter of southeast quarter, and east half of southwest quarter	30	22	12	160	200	200
	And northwest quarter of southwest quarter of.	30	22	12			
s & Bransford	Town lots in Covelo					200	1,100
. A	Southwest quarter of	21	22	12	160	200	200
H	North half of	16	22	12	320	3,100	500
Ed	Southeast quarter of	16	22	12	160	1,300	200
ac	Bounded north by claim of Hughs, east by claim of Gibson, and south by claim of G. E. White.				320	1,400	400
. S	Southeast quarter of section 12 and northeast quarter of.	13	22	12	320	3,200	700
drew	In Williams Valley, bounded northeast and south by Dean's land.				640	1,280	720
rtin	Southwest quarter of	30	22	12	160	320	50
Thomas	Town lot in Covelo					100	
. A	do					200	750
rdy	do					200	750

A—Continued.

Claimant.	Acres.	Section.	Township.	Range.	Character of improvements.	Value of improvements.	
Lewis, Samuel					Fencing—16,000 rails and pickets	$480 00	
					Dwelling-house, smoke-house, and 2 hog-houses.	400 00	
					One hundred and eighty puncheons yellow pine.	20 00	
					Two hundred and ten yards picket-fence.	100 00	
							$1,000 00
Murphy, William					House	300 00	
					Barn	300 00	
					Fencing, including corral and garden, 2½ miles.	600 00	
					Granary	100 00	
					Smoke-house	100 00	
							1,400 00
Nuckles, Fayette					Double cabin		100 00
Pollard, William					House	150 00	
					Fencing	500 00	
							650 00
Prising, G. J					Dwelling-house	450 00	
					Barn	30 00	
					Chicken-house	30 00	
					Five-eighth mile fencing-rail, and ½ mile picket-fence.	370 00	
					50 fruit-trees	50 00	
					25 grapevines	50 00	
							900 00
Semmerly, Samuel					Agrees to remove his fencing		
Short, Green					do		
School trustees					Half-breed school-house		200 00
Steele					House, barn, out-house, hewed timber.		250 00
Thompson, David					Dwelling-house	800 00	
					Barn	500 00	
					Fencing	250 00	
					Five-eighth mile picket-fence	250 00	
					Two store houses	50 00	
					One hundred walnut trees	25 00	
					Chicken-house	25 00	
					Forty fruit-trees	40 00	
							1,940 00
Updegraff, Jacob					Shake shanty	250 00	
					Small store-house	150 00	
					Shake stable	500 00	
					Shake barn	500 00	
					Fencing	100 00	
					Corral	200 00	
					Eight cabins and corrals	1,200 00	
							2,900 00
Vaunaden, Wm. P.					Saw-mill, consisting of 1 Wood & Mann's Utica portable 18-horse power-engine, 2 circular saws, and mill-gearing. Mill building indifferent.	4,000 00	
					One balloon-frame dwelling and out-buildings.	$500 00	
							$4,500 00
Wiltsee, J. O					Board house with wing	500 00	
					Shed-barn and open shake spring-house.	100 00	
					Fencing	400 00	
							1,000 00
Youree, Frank W.					Cabin on homestead		200 00
					Total		32,669 78

B.

Assessment roll of Mendocino County, California, for the year ending March 1, 1874.

Taxable inhabitants.	Description of claim.	Section.	Township.	Range.	Acres.	Value of land.	Value of improvements.
Atkinson, Thomas	Bounded north by claim of R. Atkinson, west by claim of Bishop.	....	....	....	160	$580	$100
Anthony, Josiah	North half of southwest quarter and south half of northwest quarter.	5	22	12	160	1,600	1,300
Asbell, F. W. and P	Range known as Summit Valley	....	....	....	.....	.....	1,000
	Also east half of	6	22	12	320	3,200	1,500
Ayres & Youree	Improvements on	6, 27	23	12	.....	.....	720
Anthony, James	Bounded west by claim of Josiah Anthony, east by claim of Williamson, south by the Davis ranch.	....	....	....	160	1,600	200
Applegate, J. P	North half of southwest quarter of	3	22	12	80	400	150
Atkinson, Robert	Range bounded north by claim of Patter, south by claim of T. Atkinson, west by claim of Goggins.	....	....	....	160	200	100
Bishop, Benjamin	Bounded north by claim of Pullen and Goggins, east by Atkinson.	....	....	....	320	1,220	300
Bransford & Murphy	South half of northeast quarter, and southeast quarter of northwest quarter, and northwest quarter of southeast quarter.	21	23	12	160	.....	2,000
Bransford & Carpenter	Fashion livery stable, Covelo	....	....	....	100	.....	500
Barnes, M. C	Bounded north by Gibson's claim, east by Henley Brothers, south by claim of Hoffman.	....	....	....	320	750	150
Bourne, C. H	Improvement on land bounded east by Eberle, south by old reservation land.	....	....	....	.....	.....	3,500
Brush, Nelson	Northwest quarter of	21	22	12	160	425	100
Brown, W. T	Northwest quarter and north half of northeast quarter of.	5	22	12	240	2,000	240
Bishop, W. C	South half of north half of	9	22	12	160	1,600	150
Bean, Asa	Southeast quarter of northeast quarter	12	23	12	40	150	100
Barney, L. N	Southeast quarter of	6	22	12	160	1,600	.....
Barney, H. N	Not given	....	....	....	.....	320	80
Borziza, Ed	do	....	....	....	.....	400	100
Crocker, G	Improvements covered by reservation	....	....	....	.....	.....	500
Clyman & Nefns	do	....	....	....	.....	.....	700
Dorman, D. C	Southwest quarter of	6	22	12	640	4,475	1,000
	Also 100 acres of southeast quarter of	1	22	13	.....	.....	.....
	Also range in forks of Eel River.						
Davis & Bass	Northeast quarter of	8	22	12	160	1,600	250
Dewel, Philip	North half of	5	22	12	320	3,200	100
Dingman & Squires	Range bounded north by Eel River, south by county line, west by claim of Edsall.	....	....	....	320	320	80
Dunlap, J. L	Improvements covered by reservation	....	....	....	.....	.....	250
Dawson, Robert	Not given	....	....	....	160	1,600	200
Eveland, Joel	Northeast quarter of	30	22	12	160	900	200
Ellis, J., & Co	Town lot in Covelo	....	....	....	.....	200	700
Elberle, C. H	Improvements on land bounded west by Bourne, south by old reservation, included in new reservation lines.	....	....	....	.....	.....	2,600
Edsall, C. A	Bounded north by claim of S. Simmerly, west by claim of Putnam; also range, bounded south by claim of Simmerly & Logan, north by Eel River.	....	....	....	640	$800	$400
Ellwood, Thomas	Southwest quarter of southeast quarter, and east half of southwest quarter	30	22	12	160	200	200
	And northwest quarter of southwest quarter of.	30	22	12	.....	.....	.....
Fairbanks & Bransford	Town lots in Covelo	....	....	....	.....	200	1,100
Foster, J. A	Southwest quarter of	21	22	12	160	200	200
Griffin, J. H	North half of	16	22	12	320	3,100	500
Goggins, Ed	Southeast quarter of	16	22	12	160	1,300	200
Grist, Isaac	Bounded north by claim of Hughs, east by claim of Gibson, and south by claim of G. E. White.	....	....	....	320	1,400	400
Gibson, E. S	Southeast quarter of section 12 and northeast quarter of.	13	22	12	320	3,200	700
Gray, Andrew	In Williams Valley, bounded northeast and south by Dean's land.	....	....	....	640	1,280	720
Glaze, Martin	Southwest quarter of	30	22	12	160	320	50
Hastings, Thomas	Town lot in Covelo	....	....	....	.....	100	.....
Hunter, A. A	do	....	....	....	.....	200	750
Henry, Purdy	do	....	....	....	.....	200	750

Assessment roll of Mendocino County, California, &c.—Continued.

Taxable inhabitants.	Description of claim.	Section.	Township.	Range.	Acres.	Value of land.	Value of improvements.
Henley Bros. (Whit. Henley and G. W. Henley).	South half of	18	22	12	1,680	$17,300	$2,000
	All of	19	22	12			
	South half of northwest quarter of	20	22	12			
	Southwest quarter of	17	22	12			
	East half of southeast quarter of	24	22	12			
	Also range bounded south and west by Eel River.				500		
Henley & Gibson	Improvements covered by reservation						400
Hoffman, W. H	Bounded north by claim of M. C. Barnes, east and south by claim of Henley Bros.				160	1,125	400
Hoffman & Odell	Town lot in Covelo					100	125
Harris, J	Northwest quarter of	35	22	12	160	1,600	150
Hornbrook, S	do	7	22	12	320	2,800	1,000
	Northeast quarter of	12	22	13			
Handy & Sheppard	East half of	30	22	12	320	1,075	200
Hughes, G. W. & F. M	Northwest quarter of	12	22	12	480	1,840	500
	North half of	11	22	12			
Hughlett, John	Bounded north by claim of Ayres, east by claim of Murphy, south by reservation.				160	200	50
Janez, José	Bounded north by Redwine				160	200	50
Johnson, D. T	Town lot in Covelo					100	650
Kendrick, C	Bounded north by claim of W. P. Melendy, east by claim of W. P. White, south by claim of G. E. White.				320	3,200	200
Kelley, J. P	Northwest quarter of	36	22	12	160	200	40
Kelley, P. K	do	26	23	12			300
Leger, Antonio	Improvements covered by reservation						2,400
	Also, claim bounded north by Gray, east by Purrington.				800	1,000	200
Letson & Cheeseman	Town lot in Covelo					100	400
Lacock, D	Improvements covered by reservation						5,000
	Also, claim bounded south by Purrington's claim, west by Eel River.				320	400	
Lambert, Benjamin	Southwest quarter of	9	22	12	160	1,600	400
Lewis, Samuel	Hull Valley improvements						1,000
Lee, Edward	Northwest quarter of	13	22	12	160	800	300
Lovell, H. F	Southeast quarter of	6	22	12	160	1,600	20
Letson, Jane	Town lot in Covelo					200	1,300
Morrison, G. W	Southeast quarter of section 17 and northeast quarter of.	20	22	12	320	2,900	100
Montagne, L. D	Town lot in Covelo					400	1,800
Moore & Lockart	Bounded north by claim of Dorman, east by land of Friedlander.				640	800	
Montagne & Henry	Town lot in Covelo					200	1,500
Moore, T. C	Bounded east and south by Eel River, west by Wilson Creek.				640	800	100
McComb, A. E	Northwest quarter of section 10 and southwest quarter of southwest quarter of.	3	22	12	200	725	300
Melendy, W. P	South half of southeast quarter and south half of southwest quarter.	5	22	12			
	Southeast quarter of	6	22	12			
	North half of southeast quarter and northeast quarter of.	7	22	12			
	Northwest quarter and west half of northeast quarter and north half of southwest quarter.	8	22	12	880	$8,800	$1,500
Norris, Hosea	Undivided half of northwest quarter of	7	22	12	80	800	400
O'Neal, J	Town lot in Covelo					100	300
Odell, Alonzo	Bounded north by reservation, east by Asbell Brothers, west by O'Farrell.				160	1,600	500
O'Farrell, P. K	Northeast quarter of	1	22	12	160	1,600	1,500
Potter, E. R	Northwest quarter of section 15 and southwest quarter of southwest quarter.	10	22	12	80	700	200
Perry, A. C	Bounded north by road, east and south by land of Dorman.				45	650	500
	Also town lot in Covelo					200	800
Priamy, G. I	Improvement covered by reservation						1,000
Pullen, William	Southwest quarter and southwest quarter of southeast quarter of.	16	22	12	200	2,000	700
Pollard, Gawley & Co	Improvements on Poor Man's Flat						400
Pawnell, Moses	Known as Simmerly ranch				400	500	100
Purrington, Nathan	Bounded west by Eel River, north and east by Moore's range.				460	250	150
Redwine, F. A	North half of	14	22	12	320	400	400

Assessment roll of Mendocino County, California, &c.—Continued.

Taxable inhabitants.	Description of claim.	Section.	Township.	Range.	Acres.	Value of land.	Value of improvements.
Redwine, L. W	Southwest quarter of section 11 and southeast quarter of.	14	22	12	320	$400	.....
Short, J. G	Northwest quarter of section 4 and south half of northeast quarter of.	5	22	12	240	2,250	$1,500
	Also improvements covered by reservation.	....	....	....	.....	.....	450
Simmerly, Samuel	Bounded north by land of Short, west by claim of Williamson.	....	....	....	220	3,200	1,000
	Also improvements covered by reservation	....	....	....	.....	.....	200
Steele, J. M	On William's Creek	....	....	....	160	300	.....
Shrum, A. J	Bounded north by claim of Williamson, east by claim of Potter.	....	....	....	160	1,400	200
Sullivan, J	Bounded north and east by Eel River, south by Bell Spring Cañon.	....	....	....	640	800	.....
Turner, William	Northwest quarter of	29	22	12	160	288	250
Turner, J. W	Southeast quarter of	29	22	12	160	200	25
Thompson, David	Improvements covered by reservation	....	....	....	.....	.....	1,200
Trammel and McCoy	On Colusa trail	....	....	....	.....	500	.....
Updegraff, J	Improvements on reservation	....	....	....	.....	.....	2,000
White, George E	Bounded north by claim of Wilsey, east by claim of Griffin, south by Henley.	....	....	....	560	5,600	2,000
Wilsey, M. and R. G	Improvements covered by reservation	....	....	....	.....	.....	800
Wilsey, S. K	North half of southwest quarter of	7	22	12	80	800	800
White, W. P	Southeast quarter of section 8, and northeast quarter of.	7	22	12	320	3,200	500
Williamson, L	Bounded north by land of Short, east by claim of Applegate, south by claims of Shrum and Lambert.	....	....	....	640	6,400	800
Van Nader, W. P	Improvements and mill at Summit Valley	....	....	....	.....	.....	4,000

I, J. H. Donohoe, assessor of Mendocino County, California, hereby certify that the above and foregoing is a correct copy of the assessment of persons named in Round Valley Township, for the year ending March 1, 1874, on real estate and improvements claimed, as returned by the deputy assessor of that township, and by me listed upon the assessment roll of this county.

J. H. DONOHOE,
Assessor, Mendocino County, California.
By A. O. CARPENTER,
Deputy.

UKIAH, CAL., *July* 17, 1873.

SUPREME COURT OF THE UNITED STATES, No. 27.—OCTOBER TERM, 1884.

JOHN ELK, PLAINTIFF IN ERROR, *vs.* CHARLES WILKINS. } In error to the circuit court of the United States for the district of Nebraska.

An Indian, born a member of one of the Indian tribes within the United States, which still exists and is recognized as a tribe by the Government of the United States, who has voluntarily separated himself from his tribe, and taken up his residence among the white citizens of a State, but who has not been naturalized, or taxed, or recognized as a citizen, either by the United States or by the State, is not a citizen of the United States, within the meaning of the first section of the Fourteenth Article of Amendment of the Constitution.

A petition alleging that the plaintiff is an Indian, and was born within the United States, and has severed his tribal relation to the Indian tribes, and fully and completely surrendered himself to the jurisdiction of the United States, and still continues subject to the jurisdiction of the United States, and is a *bona fide* resident of the State of Nebraska and city of Omaha, does not show that he is a citizen of the United States under the Fourteenth Article of Amendment of the Constitution.

[November 3, 1884.]

Mr. Justice GRAY delivered the opinion of the court.

This is an action brought by an Indian, in the circuit court of the United States for the district of Nebraska, against the registrar of one of the wards of the city of Omaha, for refusing to register him as a qualified voter therein. The petition was as follows:

"John Elk, plaintiff, complains of Charles Wilkins, defendant, and avers that the

matter in dispute herein exceeds the sum of five hundred dollars, to wit, the sum of six thousand dollars, and that the matter in dispute herein arises under the Constitution and laws of the United States; and, for cause of action against the defendant, avers that he, the plaintiff, is an Indian, and was born within the United States; that more than one year prior to the grievances hereinafter complained of he had severed his tribal relation to the Indian tribes, and had fully and completely surrendered himself to the jurisdiction of the United States, and still so continues subject to the jurisdiction of the United States; and avers that, under and by virtue of the Fourteenth Amendment to the Constitution of the United States, he is a citizen of the United States, and entitled to the right and privilege of citizens of the United States.

"That on the sixth day of April, 1880, there was held in the city of Omaha (a city of the first class, incorporated under the general laws of the State of Nebraska providing for the incorporation of cities of the first class), a general election for the election of members of the city council and other officers for said city.

"That the defendant, Charles Wilkins, held the office of and acted as registrar in the fifth ward of said city, and that as said registrar it was the duty of such defendant to register the names of all persons entitled to exercise the elective franchise in said ward of said city at said general election.

"That this plaintiff was a citizen of and had been a *bona fide* resident of the State of Nebraska for more than six months prior to said sixth day of April, 1880, and had been a *bona fide* resident of Douglas County, wherein the city of Omaha is situate, for more than forty days, and in the fifth ward of said city more than ten days prior to the said sixth day of April, and was such citizen and resident at the time of said election, and at the time of his attempted registration, as hereinafter set forth, and was in every way qualified, under the laws of the State of Nebraska and of the city of Omaha, to be registered as a voter and to cast a vote at said election, and complied with the laws of the city and State in that behalf.

"That on or about the fifth day of April, 1880, and prior to said election, this plaintiff presented himself to said Charles Wilkins, as such registrar, at his office, for the purpose of having his name registered as a qualified voter, as provided by law, and complied with all the provisions of the statutes in that regard, and claimed that, under the Fourteenth and Fifteenth Amendments to the Constitution of the United States, he was a citizen of the United States, and was entitled to exercise the elective franchise, regardless of his race and color; and that said Wilkins, designedly, corruptly, willfully, and maliciously, did then and there refuse to register this plaintiff, for the sole reason that the plaintiff was an Indian, and therefore not a citizen of the United States, and not, therefore, entitled to vote, and on account of his race and color, and with the willful, malicious, corrupt, and unlawful design to deprive this plaintiff of his right to vote at said election, and of his rights, and all other Indians of their rights, under said Fourteenth and Fifteenth Amendments to the Constitution of the United States, on account of his and their race and color.

"That on the sixth day of April this plaintiff presented himself at the place of voting in said ward, and presented a ballot and requested the right to vote, where said Wilkins, who was then acting as one of the judges of said election in said ward, in further carrying out his willful and malicious designs aforesaid, declared to the plaintiff and to the other election officers that the plaintiff was an Indian and not a citizen and not entitled to vote, and said judges and clerks of election refused to receive the vote of the plaintiff, for that he was not registered as required by law.

"Plaintiff avers the fact to be that by reason of said willful, unlawful, corrupt and malicious refusal of said defendant to register this plaintiff, as provided by law, he was deprived of his right to vote at said election, to his damage in the sum of $6,000.

"Wherefore plaintiff prays judgment against defendant for $6,000, his damages, with costs of suit."

The defendant filed a general demurrer for the following causes: 1st. That the petition did not state facts sufficient to constitute a cause of action. 2d. That the court had no jurisdiction of the person of the defendant. 3d. That the court had no jurisdiction of the subject of the action.

The demurrer was argued before Judge McCrary and Judge Dundy, and sustained; and the plaintiff electing to stand by his petition, judgment was rendered for the defendant, dismissing the petition with costs. The plaintiff sued out this writ of error.

By the constitution of the State of Nebraska, article 7, section 1, "Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the State six months, and in the county, precinct, or ward for the term provided by law, shall be an elector. First. Citizens of the United States. Second. Persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization, at least thirty days prior to an election."

By the statutes of Nebraska every male person of the age of twenty-one years or upwards, belonging to either of the two classes so defined in the constitution of the State, who shall have resided in the State six months, in the county forty days, and

in the precinct, township, or ward ten days, shall be an elector; the qualification of electors in the several wards of cities of the first class (of which Omaha is one) shall be the same as in precincts; it is the duty of the registrar to enter in the register of qualified voters the name of every person who applies to him to be registered, and satisfies him that he is qualified to vote under the provisions of the election laws of the State; and at all municipal, as well as county or State elections, the judges of election are required to check the name, and receive and deposit the ballot, of any person whose name appears on the register. Compiled Statutes of Nebraska of 1881, ch. 26, § 3; ch. 13, § 14; ch. 76, §§ 6, 13, 19.

The plaintiff, in support of his action, relies on the first clause of the first section of the Fourteenth Article of Amendment of the Constitution of the United States, by which "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside"; and on the Fifteenth Article of Amendment, which provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

This being a suit at common law, in which the matter in dispute exceeds five hundred dollars, arising under the Constitution of the United States, the circuit court had jurisdiction of it under the act of March 3, 1875, ch. 137, § 1, even if the parties were citizens of the same State. 18 Stat., 470; *Ames* v. *Kansas*, 111 U. S., 449. The judgment of that court, dismissing the action with costs, must have proceeded upon the merits, for, if the dismissal had been for want of jurisdiction, no costs could have been awarded. *The Mayor* v. *Cooper*, 6 Wall., 247; *Mansfield and Coldwater Railway* v. *Swan*, 111 U. S., 379. And the only point argued by the defendant in this court is whether the petition sets forth facts enough to constitute a cause of action.

The decision of this point, as both parties assume in their briefs, depends upon the question whether the legal conclusion, that under and by virtue of the Fourteenth Amendment of the Constitution the plaintiff is a citizen of the United States, is supported by the facts alleged in the petition and admitted by the demurrer, to wit: The plaintiff is an Indian, and was born in the United States, and has severed his tribal relation to the Indian tribes, and fully and completely surrendered himself to the jurisdiction of the United States, and still continues to be subject to the jurisdiction of the United States, and is a *bona fide* resident of the State of Nebraska and city of Omaha.

The petition, while it does not show of what Indian tribe the plaintiff was a member, yet, by the allegations that he "is an Indian, and was born within the United States," and that "he had severed his tribal relation to the Indian tribes," clearly implies that he was born a member of one of the Indian tribes within the limits of the United States, which still exists and is recognized as a tribe by the Government of the United States. Though the plaintiff alleges that he "had fully and completely surrendered himself to the jurisdiction of the United States," he does not allege that the United States accepted his surrender, or that he has ever been naturalized, or taxed, or in any way recognized or treated as a citizen, by the State or by the United States. Nor is it contended by his counsel that there is any statute or treaty that makes him a citizen.

The question then is, whether an Indian, born a member of one of the Indian tribes within the United States, is, merely by reason of his birth within the United States, and of his afterwards voluntarily separating himself from his tribe and taking up his residence among white citizens, a citizen of the United States within the meaning of the first section of the Fourteenth Amendment of the Constitution?

Under the Constitution of the United States, as originally established, "Indians not taxed" were excluded from the persons according to whose numbers Representatives and direct taxes were apportioned among the several States; and Congress had and exercised the power to regulate commerce with the Indian tribes and the members thereof whether within or without the boundaries of one of the States of the Union. The Indian tribes, being within the territorial limits of the United States, were not, strictly speaking, foreign States, but they were alien nations, distinct political communities, with whom the United States might and habitually did deal, as they thought fit, either through treaties made by the President and Senate, or through acts of Congress in the ordinary forms of legislation. The members of those tribes owed immediate allegiance to their several tribes, and were not part of the people of the United States. They were in a dependent condition, a state of pupilage, resembling that of a ward to his guardian. Indians and their property, exempt from taxation by treaty or statute of the United States, could not be taxed by any State. General acts of Congress did not apply to Indians, unless so expressed as to clearly manifest an intention to include them. Constitution, art. 1, sects. 2, 8; art. 2, sect. 2; *Cherokee Nation* v. *Georgia*, 5 Pet., 1; *Worcester* v. *Georgia*, 6 Pet., 515; *United States* v. *Rogers*, 4 How., 567; *United States* v. *Holliday*, 3 Wall., 407; *Case of the Kansas Indians*, 5 Wall., 737; *Case of the New York Indians*, 5 Wall., 761; *Case of the Cherokee Tobacco*, 11 Wall., 616; *United States* v. *Whiskey*, 93 U. S., 188; *Pennook* v.

tribe held in trust under any treaty or law of the United States; and thereupon such persons should cease to be members of the tribe, and the lands so patented to them should be subject to levy, taxation, and sale, in like manner with the property of other citizens. (16 Stat., 361.) By the act of March 3, 1873, ch. 332, § 3, similar provision was made for the naturalization of any adult members of the Miami tribe in Kansas, and of their minor children. (17 Stat., 632.) And the act of March 3, 1865, ch. 127, before referred to, making corresponding provision for the naturalization of any of the chiefs, warriors, or heads of families of the Stockbridge Indians, is re-enacted in section 2312 of the Revised Statutes.

The act of January 25, 1871, ch. 38, for the relief of the Stockbridge and Munsee Indians in the State of Wisconsin, provided that "for the purpose of determining the persons who are members of said tribes and the future relation of each to the Government of the United States," two rolls should be prepared under the direction of the Commissioner of Indian Affairs, signed by the sachem and councillors of the tribe, certified by the person selected by the Commissioner to superintend the same, and returned to the Commissioner; the one, to be denominated the citizen roll, of the names of all such persons of full age, and their families, "as signify their desire to separate their relations with said tribe, and to become citizens of the United States," and the other, to be denominated the Indian roll, of the names of all such "as desire to retain their tribal character and continue under the care and guardianship of the United States;" and that those rolls, so made and returned, should be held as a full surrender and relinquishment, on the part of all those of the first class, of all claims to be known or considered as members of the tribe, or to be interested in any provision made or to be made by the United States for its benefit, "and they and their descendants shall thenceforth be admitted to all the rights and privileges of citizens of the United States." (16 Stat., 406.)

The pension act exempts Indian claimants of pensions for service in the Army or Navy from the obligation to take the oath to support the Constitution of the United States. (Act of March 3, 1873, ch. 234, § 28; 17 Stat., 574; Rev. Stat., § 4721.)

The recent statutes concerning homesteads are quite inconsistent with the theory that Indians do or can make themselves independent citizens by living apart from their tribe. The act of March 3, 1875, ch. 131, § 15, allowed to "any Indian born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations," the benefit of the homestead acts, but only upon condition of his "making satisfactory proof of such abandonment, under rules to be prescribed by the Secretary of the Interior"; and further provided that his title in the homestead should be absolutely inalienable for five years from the date of the patent, and that he should be entitled to share in all annuities, tribal funds, lands, and other property, as if he had maintained his tribal relations. (18 Stat., 420.) And the act of March 3, 1884, ch. 180, § 1, while it allows Indians "located on public lands" to "avail themselves of the homestead laws as fully and to the same extent as may now be done by citizens of the United States," provides that the form and the legal effect of the patent shall be that the United States does and will hold the land for twenty-five years in trust for the Indian making the entry, and his widow and heirs, and will then convey it in fee to him or them. (23 Stat., 96.)

The national legislation has tended more and more towards the education and civilization of the Indians, and fitting them to be citizens. But the question whether any Indian tribes, or any members thereof, have become so far advanced in civilization, that they should be let out of the state of pupilage, and admitted to the privileges and responsibilities of citizenship, is a question to be decided by the nation whose wards they are and whose citizens they seek to become, and not by each Indian for himself.

There is nothing in the statutes or decisions, referred to by counsel, to control the conclusion to which we have been brought by a consideration of the language of the Fourteenth Amendment, and of the condition of the Indians at the time of its proposal and ratification.

The act of July 27, 1868, ch. 249, declaring the right of expatriation to be a natural and inherent right of all people, and reciting that "in the recognition of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship," while it affirms the right of every man to expatriate himself from one country, contains nothing to enable him to become a citizen of another, without being naturalized under its authority. (15 Stat., 223; Rev. Stat., sec. 1999.)

The provision of the act of Congress of March 3, 1871, ch. 120, that "hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty," is coupled with a provision that the obligation of any treaty already lawfully made is not to be thereby invalidated or impaired; and its utmost possible effect is to require the Indian tribes to be dealt with for the future through

the legislative and not through the treaty-making power. (16 Stat., 566; Rev. Stat., sec. 2079.)

In the case of *United States* v. *Elm*, 28 Int. Rev. Rec., 419, decided by Judge Wallace in the district court of the United States for the northern district of New York, the Indian who was held to have a right to vote in 1876 was born in the State of New York, one of the remnants of a tribe which had ceased to exist as a tribe in that State; and by a statute of the State it had been enacted that any native Indian might purchase, take, hold, and convey lands, and, whenever he should have become a freeholder to the value of one hundred dollars, should be liable to taxation, and to the civil jurisdiction of the courts, in the same manner and to the same extent as a citizen. N. Y. Stat., 1843, ch. 87. The condition of the tribe from which he derived his origin, so far as any fragments of it remained within the State of New York, resembled the condition of those Indian nations of which Mr. Justice Johnson said in *Fletcher* v. *Peck*, 6 Cranch, 87, 146, that they "have totally extinguished their national fire, and submitted themselves to the laws of the States;" and which Mr. Justice McLean had in view, when he observed in *Worcester* v. *Georgia*, 6 Pet., 515, 580, that in some of the old States, "where small remnants of tribes remain, surrounded by white population, and who, by their reduced numbers, had lost the power of self-government, the laws of the State have been extended over them, for the protection of their persons and property." See also, as to the condition of Indians in Massachusetts, remnants of tribes never recognized by the treaties or legislative or executive acts of the United States as distinct political communities, *Danzell* v. *Webquish*, 108 Mass., 133; *Pells* v. *Webquish*, 129 Mass., 469; Mass. Stat., 1862, ch. 184; 1869, ch. 463.

The passages cited as favorable to the plaintiff from the opinions delivered in *Ex parte Kenyon*, 5 Dillon, 385, 390, in *Ex parte Reynolds*, 5 Dillon, 394, 397, and in *United States* v. *Crook*, 5 Dillon, 453, 464, were *obiter dicta*. The *Case of Reynolds* was an indictment in the circuit court of the United States for the western district of Arkansas for a murder in the Indian country, of which that court had jurisdiction if either the accused or the dead man was not an Indian, and was decided by Judge Parker in favor of the jurisdiction, upon the ground that both were white men, and that, conceding the one to be an Indian by marriage, the other never was an Indian in any sense. 5 Dillon, 397, 404. Each of the other two cases was a writ of habeas corpus; and any person, whether a citizen or not, unlawfully restrained of his liberty, is entitled to that writ. *Case of the Hottentot Venus*, 13 East, 195; *Case of Dos Santos*, 2 Brock., 493, *In re Kaine*, 14 How., 103. In *Kenyon's Case*, Judge Parker held that the court in which the prisoner had been convicted had no jurisdiction of the subject-matter, because the place of the commission of the act was beyond the territorial limits of its jurisdiction, and, as was truly said, "this alone would be conclusive of this case." 5 Dillon, 390. In *United States* v. *Crook*, the Ponca Indians were discharged by Judge Dundy because the military officers who held them were taking them to the Indian Territory by force and without any lawful authority; 5 Dillon, 468; and in the case at bar, as the record before us shows, that learned judge concurred in the judgment below for the defendant.

The law upon the question before us has been well stated by Judge Deady in the district court of the United States for the district of Oregon. In giving judgment against the plaintiff in a case resembling the case at bar, he said: "Being born a member of 'an independent political community'—the Chinook—he was not born subject to the jurisdiction of the United States—not born in its allegiance." *McKay* v. *Campbell*, 2 Sawyer, 118, 134. And in a later case he said: "But an Indian cannot make himself a citizen of the United States without the consent and co-operation of the Government. The fact that he has abandoned his nomadic life or tribal relations, and adopted the habits and manners of civilized people, may be a good reason why he should be made a citizen of the United States, but does not of itself make him one. To be a citizen of the United States is a political privilege which no one, not born to, can assume without its consent in some form. The Indians in Oregon, not being born subject to the jurisdiction of the United States, were not born citizens thereof, and I am not aware of any law or treaty by which any of them have been made so since." *United States* v. *Osborne*, 6 Sawyer, 406, 409.

Upon the question whether any action of a State can confer rights of citizenship on Indians of a tribe still recognized by the United States as retaining its tribal existence, we need not, and do not, express an opinion, because the State of Nebraska is not shown to have taken any action affecting the condition of this plaintiff. See *Chirac* v. *Chirac*, 2 Wheat., 259; *Fellows* v. *Blacksmith*, 19 How., 366; *United States* v. *Holliday*, 3 Wall., 407, 420; *United States* v. *Joseph*, 94 U. S., 614, 618.

The plaintiff, not being a citizen of the United States under the Fourteenth Amendment of the Constitution, has been deprived of no right secured by the Fifteenth Amendment, and cannot maintain this action. *Judgment affirmed.*

SUPREME COURT OF THE UNITED STATES.

THE UNITED STATES, PLAINTIFF IN ERROR, *vs.* FRED. BOURNE, ADMINISTRATOR OF C. H. Bourne, deceased, Frank Asbill, Pierce Asbill, E. S. Gibson, Charles H. Eberlee, David Thompson, J. O. Wilsey, Bernard Kelley, and Antoine Leger.	No. 218.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF CALIFORNIA. FILED JANUARY 28, 1881.

UNITED STATES OF AMERICA, *ss:*

The President of the United States of America to the judge of the circuit court of the United States of the ninth judicial circuit, in and for the district of California, greeting:

Because in the record and proceedings, and also in the rendition of the judgment of a plea which is in the said circuit court before you, between the United States of America is plaintiff in error, and Fred. Bourne, administrator of the estate of C. H. Bourne, deceased, Frank Asbill, Pierce Asbill, E. S. Gibson, Charles H. Eberlee, David Thompson, J. O. Wilsey, Bernard Kelley, and Antoine Leger are defendants in error, a manifest error hath happened, to the great damage of the said plaintiff in error, as by its complaint appears, and it being fit that the error, if any there hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States of America, together with this writ, so that you have the same at the city of Washington, in the District of Columbia, on the second Monday of October next, in the said Supreme Court to be there and then held, that the record and proceedings aforesaid be inspected, the said Supreme Court may cause further to be done therein to correct that error what of right and according to the law and custom of the United States should be done.

Witness the Hon. Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this 27th day of December, in the year of our Lord one thousand eight hundred and eighty, and of the Independence of the United States the one hundred and fifth.

[SEAL.] L. S. B. SAWYER, *Clerk,*
By J. F. O'BEIRNE,
Deputy Clerk.

The above writ of error is hereby allowed.

LORENZO SAWYER,
Judge U. S. Circuit Court, Ninth Circuit.

The answer of the judges of the circuit court of the United States for the district of California.

The record and all proceedings of the plaint whereof mention is within made, with all things touching the same, we certify, under the seal of our said court, to the Supreme Court of the United States of America within mentioned, at the day and place within contained, in a certain schedule to this writ annexed, as within we are commanded.

By the court:

[SEAL.] LORENZO S. B. SAWYER, *Clerk,*
By J. F. O'BEIRNE, *Deputy Clerk.*

(Indorsed:) 1486. Original. 1486. United States Supreme Court. The United States of America, plaintiff in error, *vs.* Fred. Bourne, administrator, &c., et al., defendants in error. Writ of error. Filed Dec'r 27th, 1880. L. S. B. Sawyer, clerk, by J. F. O'Beirne, d'p'y cl'k.

UNITED STATES OF AMERICA, *ss:*

To Fred. Bourne, administrator of the estate of C. H. Bourne, deceased, Frank Asbill, E. S. Gibson, Charles H. Eberlee, David Thompson, J. O. Wilsey, Bernard Kelley, and Antoine Leger, and Pierce Asbill, greeting:

You are hereby cited and admonished to be and appear at the Supreme Court of the United States, to be held at the city of Washington, District of Columbia, on the

second Monday of October, A. D. 1881, pursuant to a writ filed in the clerk's office of the circuit court of the United States, wherein the United States of America is plaintiff in error and you are defendants in error, to show cause, if any there be, why the judgment in the said writ mentioned should not be corrected and speedy justice should not be done to the parties in that behalf.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this 27th day of December, A. D. 1880, and of the Independence of the United States the 105th.

[SEAL.]

LORENZO SAWYER,
Judge U. S. Circuit Court, Ninth Circuit.

(Indorsed:) No. 1486. United States Supreme Court. The United States of America, plaintiff in error, vs. Fred. Bourne, administrator, &c., et al., defendants in error. Citation.

Service of copy of the within citation is hereby acknowledged.

LATIMER & MORROW,
Att'y' for Def'ts in Error, Bourne, Frank and Pierce Asbill, Gibson, Eberle, and Thompson.

DEC. 30TH, 1880.

Filed 30 Dec'r, 1880. L. S. B. Sawyer, clerk, by J. F. O'Beirne, d'p'y cl'k.

Summons.

UNITED STATES OF AMERICA:

In the circuit court of the United States of the ninth circuit, in and for the district of California.

THE UNITED STATES OF AMERICA, PLAINTIFF,
vs.
CHARLES H. EBERLEE ET AL., DEFENDANTS.

Action brought in the said circuit court, and the complaint filed in the office of the clerk of said circuit court in the city of San Francisco.

The President of the United States of America greeting: To Charles H. Eberlee, David Thompson, J. O. Wilsey, Bernard Kelly, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antoine Leger, defendants.

You are hereby required to appear in an action brought against you by the above-named plaintiff in the circuit court of the United States, ninth circuit, in and for the district of California, and to file your plea, answer, or demurrer to the complaint filed therein (a certified copy of which accompanies this summons) in the office of the clerk of said court in the city and county of San Francisco within ten days after the service on you of this summons if served in this county, or if served out of this county then within forty days, or judgment by default will be taken against you.

The said action is brought to obtain a judgment against said defendants for the possession of certain premises situate in Mendocino County, district of California, together with the sum of one thousand dollars per month for the use and occupation thereof from the 18th day of August, A. D. 1875, with costs of suit, all of which will more fully appear by reference to the original complaint on file herein, a certified copy of which is herewith served upon you, and if you fail to appear and plead, answer, or demur, as herein required, judgment by default will be entered against you and each of you.

Witness the honorable Morrison R. Waite, Chief Justice of the Supreme Court of the United States of America, this 8th day of March, in the year of our Lord one thousand eight hundred and seventy-six, and of our Independence the 100th.

[SEAL.]

LORENZO S. B. SAWYER, *Clerk,*
By J. F. O'BEIRNE, *Deputy Clerk.*

(Endorsed:)

OFFICE U. S. MARSHAL,
District of California:

I hereby certify that I received the within summons on the 23d day of March, 1876, and personally served the same on Charles H. Eberlee, def't, March 27th, 1876, C. H. Bourne, March 24th, 1876, Pierce Asbill, March 24th, 1876, David Thompson, March 27th, 1876, Bernerd Kelley, March 27th, 1876, Frank Asbill, March 27th, 1876, E. S. Gibson, March 27th, 1876, Antoine Leger, March 28th, 1876, J. O. Wilsey, April 3d,

1876, defendants, by delivering to and leaving with each of said defen'ts, personally, in the county of Mendocino, in this district, a true copy of this summons, with a certified copy of the complaint attached thereto, this the 3d day of April, 1876.

E. P. MARSELLUS,
U. S. Marshal,
By J. S. BROWN, *Dep'ty.*

COVILO, *Ap'l* 3d, 1876.

Filed April 10th, 1876. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep. cl'k.

Complaint.

UNITED STATES OF AMERICA.

United States circuit court, ninth circuit, district of California.

THE UNITED STATES OF AMERICA, PLAINTIFF,
vs.
CHARLES H. EBERLEE, DAVID THOMPSON, J. O. Wilsey, Bernard Kelly, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antoine Leger, defendants.

Now comes the United States of America, the plaintiff above named, by its attorney, Walter Van Dyke, and complains against Charles H. Eberlee, David Thompson, J. O. Wilsey, Bernard Kelley, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antoine Leger, the defendants herein, and for cause alleges and shows the court that on the 3d day of March, A. D. 1873, this plaintiff was, for a long time prior thereto had been, and ever since said time has been, and still is, the owner and seized in fee of all that certain piece and parcel of land lying and being in the county of Mendocino, in the district and State of California, described as follows: Beginning at a point where the township line dividing townships 22 and 23 north, Mount Diablo meridian, intersects and crosses the center of the middle fork of Eel River, and running eastwardly up the center of said middle fork of Eel River to the mouth of Williams Creek; thence up said Williams Creek, following the center thereof, to the extreme northern source of said Williams Creek; thence westerly, across Blue Nose Ridge, by a monument and stake marked respectively "U. S. R.," in a direct line to the headwaters of Hull's Creek; and thence down the center of said Hull's Creek to its intersection with the north fork of Eel River; thence down said north fork of Eel River, along the center thereof, to the intersection of said north fork with the main Eel River; thence up said Eel River, along the center thereof, to a point in the center of said river where the said township line dividing townships 22 and 23, north, crosses the center of said Eel River; and thence east, along said township line, to the place of beginning.

That on said 3d day of March, A. D. 1873, and while plaintiff was so the owner of and seized in fee of said premises, these defendants unlawfully and wrongfully entered into and upon said premises, and ever since have and still do unlawfully and wrongfully withhold from plaintiff the possession thereof.

That on the 3d day of March, A. D. 1873, the Congress of the United States aforesaid passed an act entitled "An act to restore a part of the Round Valley Indian Reservation in California to the public lands, and for other purposes," which said act was on said day duly approved by the President of the United States aforesaid, and then and there became a law.

That by said act the premises hereinbefore described were set apart from the public lands of the United States, and reserved from entry and sale as an Indian reservation. That by said act the southern, eastern, and western boundaries of said Indian reservation were determined and described absolutely.

That by said act the Secretary of the Interior of the United States aforesaid was authorized and directed to appoint three commissioners to examine the premises and report their views as to where the northern line of said Indian reservation should be located.

That said commissioners should also appraise the values of all improvements of white persons north of the southern boundary of said Indian reservation, as established by said act, and within said proposed Indian reservation.

And it is further provided by said act that as soon as the report of said commissioners fixing the northern boundary of said reservation shall have been approved, that all settlers residing upon said reservation at the time of the passage of said act shall be required to remove therefrom, as soon as they should be paid or tendered the amount of the value of their improvements as appraised by said commissioners.

That these defendants are, and were, at the time of the passage of said act, white

persons residing within the limits of said Indian reservation, as reported upon by said commissioners, and approved by the Secretary of the Interior, and north of the southern boundary thereof.

That in pursuance of the provisions of said act the Secretary of the Interior, on the day of May, A. D. 1873, appointed J. P. C. Shank, B. R. Cowan, and Charles Marsh as commissioners to locate the northern line of said reservation and to appraise the value of the improvements mentioned in said act.

That on the day of June, A. D. 1873, the said commissioners, so duly appointed, proceeded to examine said premises and improvements, and then and there made their report to the Secretary of the Interior, recommending that the tract of land hereinbefore described, and the boundaries hereinbefore set forth, should constitute the said Indian reservation and the boundary lines thereof, and also in said report appraised the improvements of these defendants as follows:

Charles H. Eberlee's improvements	$2,925 00
David Thompson's improvements	1,940 00
J. O. Wilsey's improvements	1,000 00
Bernard Kelly's improvements	100 00
C. H. Bourne's improvements	5,130 00
Frank Asbill's improvements	304 78
Pierce Asbill's improvements	580 00
E. S. Gibson's improvements	1,000 00
Antoine Leger's improvements	975 00

That on the 4th day of August, A. D. 1875, the said report of said commissioners was in all of its particulars duly approved by the Secretary of the Interior of the United States, and by virtue of said act of Congress and the approval of said report of said commissioners, the premises hereinbefore described became and were and are a United States Indian reservation.

That on or about the 15th day of July, 1875, one J. L. Burchard then and there being United States Indian agent for said Indian reservation, at the request of and acting for this plaintiff, paid to the said defendant Charles H. Eberlee the sum of two thousand nine hundred and twenty-five dollars; to defendant David Thompson, one thousand nine hundred and forty dollars; to defendant J. O. Wilsey, one thousand dollars; to defendant Bernard Kelly, one hundred dollars; to defendant C. H. Bourne, five thousand one hundred and thirty dollars; and to defendant Antoine Leger, nine hundred and seventy-five dollars; which said sums were paid to defendants and received by them as the full sums due them respectively for improvements claimed by them situate on Indian reservation and so appraised as aforesaid.

That on or about the 17th day of August, A. D. 1875, the said J. L. Burchard, then and there United States Indian agent for said Indian reservation, acting under the authority and direction of this plaintiff, tendered to pay on behalf of this plaintiff to defendant Frank Asbill, three hundred and four dollars and seventy-eight cents; to defendant Pierce Asbill, five hundred and eighty dollars; and to defendant E. S. Gibson, one thousand dollars, the full sums respectively due to said defendants under said appraisement for the improvements situate upon said reservation and claimed by said last-named defendants respectively. That said defendants, Frank Asbill, Pierce Ashbill, and E. S. Gibson, each for himself then and there refused to receive said sums or any part thereof.

That this plaintiff ever since has been and still is ready and willing to pay said defendants said sums so found to be due to said defendants by said appraisement of said commissioners.

That afterwards, to wit, on the 18th day of August, A. D. 1875, this plaintiff, by J. L. Burchard, agent in charge of said reservation, served demands upon each of the defendants herein for the possession of the premises herein described, together with the improvements thereon, but that these defendants failed and refused to remove therefrom, or to deliver the possession thereof to this plaintiff, and ever since have and still do unlawfully and wrongfully withhold the possession of said premises and improvements from this plaintiff.

That the value of the use and occupation of said premises and improvements so wrongfully held by these defendants is one thousand dollars per month.

Wherefore plaintiff prays for judgment against said defendants for the possession of said premises, together with the sum of one thousand dollars per month for the use and occupation thereof from the 18th day of August, A. D. 1875, with costs of suit.

WALTER VAN DYKE,
United States Attorney.

(Endorsed:)
UNITED STATES OF AMERICA,
District of California, ss:

The summons in the within entitled action having been duly served upon the within named defendants, J. O. Wilsey, Bernard Kelly, & Antoine Leger, in the city of

Mendocino, in this district, on the 3d day of April, on the 27th day of March & March 28, 1876, respectively, and the legal time within which the said defendants were required to appear & plead herein having expired, and said defendants having, each of them, failed to appear & plead as required by said summons, the defaults of said defendants to appear & plead herein are hereby, upon the written request of the U. S. attorney filed herein, entered February 8, 1877.

L. S. B. SAWYER,
Clerk.

Filed March 8, 1876. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep. cl'k.

Demurrer of defendants Eberlee, Thompson, & Bourne.

In the circuit court of the United States of the 9th circuit, in and for the district of California.

THE UNITED STATES OF AMERICA, PLAINTIFF,
vs.
CHARLES H. EBERLEE, DAVID THOMPSON, J. O. Wilsey, Bernard Kelly, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antoine Leger, defendants.

Now come Charles H. Eberlee, David Thompson, & C. H. Bourne defendants named in the above-entitled action, by their attorney, John Mullan, and demurring to the complaint of this pl'ff allege, as grounds, for demurrer, as follows:

1st. That this court has no jurisdiction of the subject-matter of this action.

2nd. That the complaint of this pl'ff does not state facts sufficient to constitute a cause of action.

JOHN MULLAN,
Attorney for C. H. Eberlee, David Thompson, C. H. Bourne.

I, John Mullan, att'y for the above-named defendants, do certify that the same is true as to points of law.

JOHN MULLAN, *Att'y.*

(Endorsed:) Filed June 30, 1876. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep'y cl'k.

Demurrer of Frank Asbill, Pierce Asbill & E. S. Gibson.

Circuit court of the United States, ninth circuit, district of California.

THE UNITED STATES
vs.
CHARLES H. EBERLEE ET AL.

Now come Frank Asbill, Pierce Asbill, and E. S. Gibson, defendants in the above-entitled action, and demur to the complaint of the plaintiffs herein, upon the ground that the same does not state facts sufficient to constitute a cause of action.

LATIMORE, MORROW & PROFFATT, &
BARCLAY HENLY,
Attorneys for defendants, Frank Asbill, Pierce Asbill, and E. S. Gibson.

I consent that this demurrer may be filed without the certificate of the attorneys required by the rules.

J. M. COGHLAN,
U. S. Att'y.

(Indorsed:)
Due service of a copy of the within demurrer acknowledged this 8th day of July A. D. 1876.

J. M. COGHLAN,
U. S. Att'y.

Filed July 8th, 1876. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep. c'lk.

Answer of defendants Eberlee, Thompson, & Bourne.

In the circuit court of the United States of the 9th circuit, in and for the district of California.

THE UNITED STATES OF AMERICA, PLAINTIFF,
vs.
CHARLES H. EBERLEE, DAVID THOMPSON, J. O. Wilsey, Bernard Kelly, C. M. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antonie Leger, defendants.

Now comes Charles H. Eberlee, David Thompson, and C. H. Bourne, defendants named in the above-entitled action, by their attorney, John Mullan, and answering for themselves to the complaint filed herein, deny that this plaintiff was on the 3rd day of March, 1873, and for a long time prior thereto had been, and still is, the owner and seized in fee of all that certain piece and parcel of land as described and specifically set forth in the complaint of this plaintiff.

These defendants deny that on the 3d day of March, 1873, they, or either of them, unlawfully and wrongly entered into or upon said premises, and deny that ever since said date they have unlawfully or wrongfully withheld from this plaintiff the possession thereof, as alleged by plaintiff. These defendants deny that on the 3d of March, 1873, all of said premises were set apart from the public lands of the U. S., or reserved as an Indian reservation, as alleged by plaintiff.

These defendants deny that the Secretary of the Interior of the U. S. was authorized or directed to appoint three commissioners to examine all the premises described in plaintiff's complaint, or report their views thereon, as alleged by plaintiff. Deny that all the settlers on the said premises should be removed therefrom at the date or in the manner as alleged in plaintiff's complaint. Deny that on the 3d day of March, 1873, these defendants, or either of them, were residing on any Indian reservation, or on any of the lands of the plaintiff, as alleged in the plaintiff's complaint. Deny that on the 4th day of Aug., 1873, or on any of the dates alleged in complaint of plaintiff, all the premises as described in plaintiff's complaint became or were a U. S. Indian reservation.

These defendants deny that on the 18th day of Aug., 1875, that they, or either of them, unlawfully and wrongfully withheld the possession of said premises from this plaintiff, and deny that the value of the use and occupation of said premises is that of $1,000 per month.

And C. H. Eberlee, one of the said defendants, further answering separately for himself, avers and shows that on the 17th day of Dec., 1861, he purchased from the State of California a portion of the premises described in plaintiff's complaint as swamp and overflowed lands, and that said portion is described as follows, to wit: the SW. ¼ & S. ½ of NW. ¼, NW. ¼ of NE. ¼, S. ½ of NE. ¼, & N. ½ of SE. ¼ sec. 30, in T. 23 N., R. 12 W., M. D. M., and that he received on the 18th of Aug., 1862, a certificate of purchase therefor, and numbered 1662 (State series), and that on the 17th Dec., 1861, and long prior thereto, the said premises were swamp and overflowed lands, and the same were, and had prior thereto been, the property of the State of California, and did not then, and do not now, belong to this plaintiff, but from Sept. 28, 1850, to 17th of Aug., 1861, belonged to the State of California, and from that date to this defendant; that the Secretary of the Interior has failed to list and certify said lands to the State of California as swamp and overflowed lands.

David Thompson, one of said defendants, further answering, separately for himself, avers and shows that on the 22d day of Nov., 1861, one Martin Corbet purchased from the State of California a portion of the premises described in plaintiff's complaint as swamp & overflowed lands, and that said portion is described as follows, to wit: SE. ¼, SW. ¼ of NE. ¼ of sec. 35, in T. 23 N., R. 13 W., M. D. M., and that he received a certificate of purchase, No. 3128 (State series) therefor and which certificate has been assigned to this defendant, and that on said 22 day of Nov., 1861, and long prior thereto, the said lands were swamp & overflowed lands, and that the same were, & prior thereto had been, the property of the said State of California, & did not then and do not now belong to this plaintiff, but from the 28th Sept., 1850, to the 22d of Nov., 1861, belonged to the State of California, and after that date belonged to this defendant.

C. H. Bourne, one of said defendants, further answering separately for himself, avers and shows that on the 31st day of Dec., 1861, John B. Owens purchased from the State of California, a portion of the premises described in plaintiff's complaint as swamp and overflowed lands, and that said portion is described as follows, to wit: W. ½ & SE. ¼ of the SE. ¼, Sec. 24, in T. 23 N., R. 13 W., M. D. M., and that on 17th September, 1862, received a certificate of purchase, No. 1673 (State series),

therefor, and also on the 31st Dec., 1861, said John B. Owens purchased from the State of California, as swamp & overflowed lands, the SW. ¼ of SE. ¼, Sec. 30, T. 23 N., R. 12 W., M. D. M., and on 17th Sept., 1862, received certificate of purchase, No. 1675 (State series) therefor, & also that on the 31st Dec., 1861, said John B. Owens purchased from the State of California as swamp and overflowed land the SW. ¼ & SE. ¼ of NW. ¼, Sec. 25, in T. 23 N., R. 13 W., M. D. M., & on 18th Aug., 1862, received certificate of purchase, No. 1663 (State series) therefor, and also on 31st Dec., 1861, the said John B. Owens purchased from the State of California as swamp and overflowed the E. ½ of SE. ¼, Sect. 25, T. 23 N., R. 13 W., M. D. M., and on the 17th of Sept., 1862, received certificate of purchase, No. 1674 (State series) therefor, and that all of said certificates are assigned to and the lands therein described are now owned by this defendant, and that on said 31st Dec., 1861, all of said lands were and prior thereto had been swamp and overflowed lands, and that the same were and prior thereto had been the property of the State of California, and did not then & do not now belong to this plaintiff, but that all of same from Sept. 28, 1850, to 17th Sept., 1862, belonged to the State of California, and that from and after that date the same belonged to this defendant.

And these defendants, further answering, deny that any and all possession of the premises above described in said certificates of purchase is unlawful and wrongful, and deny that this plaintiff is entitled thereto, and deny that the provisions of the said law of 3rd March, 1873, referred to in plaintiff's complaint, has any rightful or lawful application to them or either of them, or to any lands claimed by them. And further deny that the Secretary of the Interior of the United States was authorized by said law to do any act in these premises so far as refers to the lands as described in said several certificates of purchase or either of them, or to the possession, or to the ownership thereof, and deny that the commissioners referred to in plaintiff's complaint were authorized to do any act to the prejudice of the ownership or possession of the premises as described in said certificates of purchase, or either of them. Deny that J. L. Burchard, Indian agent, acting in behalf of this plaintiff, was authorized to do any act to the prejudice of the ownership or possession of the premises, as described in said certificates of purchase, or any of them, as alleged in plaintiff's complaint. And defendants further deny that they or either of them have failed and refused to remove from any premises owned by this plaintiff, or to deliver the possession of any premises owned by this plaintiff, and deny that they unlawfully & wrongfully withhold the possession of any premises owned by this pl'ff. Deny that plaintiff has the right to the use or to the occupation of any of the premises used or occupied by these defendants, & deny that the value of such use is that of $1,000 per month, as alleged by plaintiff. But the defendants aver that the lands as described in said certificate of purchase were granted by Congress to the State of California, had been confirmed to said State prior to the date when said premises were alleged to be an Indian reservation, as set forth in pl'ff's complaint.

Wherefore, these defendants pray for judgment against this plaintiff, that these defendants are entitled to the use and to the occupation of the lands, as specifically described in said certificates of purchase, owned by them separately, and that this plaintiff take nothing by this suit as against these def'ts or any of them.

JOHN MULLAN,
Att'y for C. H. Eberlee, David Thompson, C. H. Bourne.

(Endorsed:)

Due service of a copy of the within admitted this 30' day of June, 1876.
A. P. VAN DUZER,
Asst. U. S. Att'y.

Filed June 30th, 1876. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep. cl'k.

Order overruling demurrer.

At a stated term, to wit, the February term, A. D. 1877, of the circuit court of the United States of America, of the ninth judicial circuit, in and for the district of California, held at the court-room, in the city and county of San Francisco, on Tuesday, the 20th day of February, in the year of our Lord one thousand eight hundred and seventy-seven.

Present, the honorable Lorenzo Sawyer, circuit judge.

THE UNITED STATES
vs.
CHARLES H. EBERLEE ET AL. } No. 1486.

This cause, heretofore argued and submitted to the court for consideration and decision upon the demurrer to the complaint herein, having been duly considered, it is ordered that said demurrer be, and the same is hereby, overruled, with leave to the defendants to answer herein upon the usual terms.

I hereby certify that the foregoing is a full, true, and correct copy of an original order entered in the above-entitled action.

Attest my hand and the seal of said circuit court this 31st day of May, A. D. 1880.

[SEAL.] L. T. B. SAWYER, *Clerk.*
By J. F. O'BEIRNE,
Deputy Clerk.

Answer of Frank Asbill.

Circuit court of the United States, ninth circuit, district of California.

THE UNITED STATES OF AMERICA
vs.
CHARLES H. EBERLEE, DAVID THOMPSON, J. O. Wilsey, Bernard Kelly, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antonio Leger.

Now comes the defendant Frank Asbill and for answer to the complaint of the plaintiff herein, denies each and every allegation, matter, and thing therein contained.

Further answering, the said defendant Frank Asbill avers that he claims no right, title, or interest to any part of the lands described in the complaint, except a lot or portion therof bounded and described as follows, to wit: Bounded on the west by the north fork of Eel River, on the north, northeast, and east by Hull's Creek, and on the south by Brushy Cañon; and that the said lot or portion was not, at the commencement of this action, nor is it now all enclosed, nor has the defendant Frank Asbill ever had the exclusive possession thereof, but that the cattle and stock of others, including cattle and stock belonging to the plaintiff, have, long prior to the commencement of this action, and ever since, ranged over it, and pastured and grazed upon it, and that the defendant Frank Asbill has not now, and never has had, the exclusive occupation or use thereof.

Wherefore the defendant Frank Asbill prays that he may be hence dismissed, with judgment against the plaintiff for his costs and disbursements herein.

LATIMER & MORROW, &
BARCLAY HENLEY,
Attorneys for Defendant Frank Asbill.

(Endorsed:)

Received copy of this answer this 5th March, 1877.

PHILIP TEARE,
Ass't U. S. Att'y.

Filed 5 March, 1877. L. S. B. Sawyer, clerk.

Answer of Pierce Asbill.

Cicruit court of the United States, ninth circuit, district of California.

THE UNITED STATES OF AMERICA
vs.
CHARLES H. EBERLEE, DAVID THOMPSON, J. O. Wilsey, Bernard Kelly, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antonio Leger.

Now comes the defendant Pierce Asbill, and for answer to the complaint of the plaintiff herein, denies each and every allegation, matter, and thing therein contained.

Further answering, the said defendant Pierce Asbill avers that he claims no right, title, or interest to any part of the lands described in the complaint, except a lot or portion thereof bounded and described as follows, to wit: Bounded on the south by lands occupied by J. Updegraff and by Brushy Cañon; on the west by the north fork of Eel River; on the north by Brushy Cañon, and on the east by the east side of Summit Valley; the said lot or tract of land being known as "Summit Valley;" and that the said lot or portion was not, at the commencement of this action, nor is it now, all enclosed, nor has the defendant Pierce Asbill ever had the exclusive possession thereof, but that the cattle and stock of others, including cattle and stock belonging to the plaintiff, have, long prior to the commencement of this action, and ever since, ranged over it and pastured and grazed upon it, and that the

defendant Pierce Asbill has not now, and never has had, the exclusive occupation or use thereof.

Wherefore the defendant Pierce Asbill prays that he may be hence dismissed with judgment against the plaintiff for his costs and disbursements herein.

LATIMER & MORROW, AND
BARCLAY HENLEY,
Attorneys for Defendant Pierce Asbill.

(Endorsed:)
Received copy of this answer this 5th March, 1877.

PHILIP TEARE,
Ass't U. S. Att'y.

Filed 5 March, 1877. L. S. B. Sawyer, clerk.

Answer of E. S. Gibson.

Circuit court of the United States, ninth circuit, district of California.

THE UNITED STATES OF AMERICA
vs.
CHARLES H. EBERLEE, DAVID THOMPSON, J. O. Wilsey, Bernard Kelly, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antonio Leger.

Now comes the defendant E. S. Gibson, and, for answer to the complaint of the plaintiff herein, denies each and every allegation, matter, and thing therein contained.

Further answering, the said defendant, Gibson, avers that he claims no right, title, or interest to any part of the lands described in the complaint, except a lot, or portion thereof, bounded and described as follows, to wit: Bounded on the north by lands occupied by J. Updegraff; on the south by Alder Creek, and lands occupied by G. E. White; on the west by Eel River, and on the east by Mill Creek; and that the said lot or portion was not at the commencement of this action nor is it now all inclosed; nor has the defendant Gibson ever had the exclusive possession thereof; but that the cattle and stock of others, including cattle and stock belonging to the plaintiff, have, long prior to the commencement of this action, and ever since, ranged over it, and pastured and grazed upon it; and that the defendant Gibson has not now, and never has had the exclusive occupation or use thereof.

Wherefore the defendant Gibson prays that he may be hence dismissed, with judgment against the plaintiff for his costs and disbursements herein.

LATIMER & MORROW, & BACLAY HENCY,
Attorneys for Defendant E. S. Gibson.

(Endorsed:)
Received copy of this answer, this 5th March, 1877.

PHILIP TEARE,
Ass't U. S. Att'y.

Filed 5 March, 1877. L. S. B. Sawyer, clerk.

Amended answer of E. S. Gibson.

Circuit court of the United States, ninth circuit, district of California.

THE UNITED STATES OF AMERICA,
vs.
CHARLES H. EBERLEE, DAVID THOMPSON, J. O. Wilsey, Bernard Kelly, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antoine Leger.

Now comes the defendant E. S. Gibson and, leave of the court having first been obtained, makes this his amended answer to the complaint of plaintiff herein, and denies each and every allegation, matter, and thing in said complaint contained.

Further answering, the said defendant Gibson avers that he claims no right, title, or interest to any part of the lands described in the complaint except the lots, or portions thereof, bounded and described as follows, to wit: Bounded on the north by lands occupied by J. Updegraff; on the south by Alder Creek and lands occupied by G. E. White; on the west by Eel River, and on the east by the Main ridge; and also sections

34, 27, S. E. ¼ sec. 22, N. ½ of sec. 23, sec. 14 and S. ½ of sec. 13, in township number 23 north, range number 13 west, Mount Diablo meridian; which said last-described lands the defendant claims an interest in, and the right to the possession of, by virtue of a lease thereof made by Isaac Friedlander to J. Ingolsbee, and assigned by said Ingolsbee to Henly Brothers, and by them assigned to this defendant, the said Friedlander having entered and purchased from the United States said lands last described, and in said lease about the year 1870, and that the said lots or portions were not at the commencement of this action, nor are they now, all enclosed, nor has the defendant Gibson ever had the exclusive possesion thereof, but that the cattle and stock of others, including cattle and stock belonging to the plaintiff, have, long prior to the commencement of this action, and ever since, ranged over it and pastured and grazed upon it; and that the defendant Gibson has not now, and never has had, the exclusive occupation or use thereof.

Wherefore the defendant Gibson prays that he may be hence dismissed, with judgment against the plaintiff for his costs and disbursements herein.

LATIMER & MORROW,
Attorneys for Defendant E. S. Gibson.

(Endorsed:)
Service of copy admitted this 19th day of July, 1877.

J. M. COGHLAN,
U. S. Att'y.

Filed by leave of court July 19, 1877. L. S. B. Sawyer, clerk.

Order of trial.

At a stated term, to wit, the July term A. D. 1877, of the circuit court of the United States of America of the ninth judicial circuit, in and for the district of California, held at the court-room, in the city and county of San Francisco, on Thursday, the 19th day of July, in the year of our Lord one thousand eight hundred and seventy-seven.

Present, the honorable Lorenzo Sawyer, circuit judge.

THE UNITED STATES
v.
CHARLES H. EBERLEE ET AL. } No. 1486.

This cause coming on to be tried this day, John M. Coghlan, esq., U. S. attorney, appearing on behalf of the United States and L. D. Latimer, W. W. Morrow, and John Mullan, esqs., on behalf of the defendants, the following-named persons were duly impanelled as a jury herein: J. O. Van Bergen, James Heath, Ed. G. Deniston, E. I. Knowles, W. B. Lyon, Jason Springer, Wm. Bartling, Sam'l Tucker, R. Coffin, P. S. Goodspeed, Philo Mills, and A. C. Diggins. By consent of counsel of the respective parties herein, it is ordered that E. S. Gibson, defendant, be allowed to file an amended answer herein, and it is further ordered that Fred. Bourne, administrator of the estate of defendant C. H. Bourne (the death of said defendant having been suggested to the court), be substituted for said decedent as defendant herein. J. L. Birchard was sworn and examined as a witness on behalf of the United States. On motion of J. M. Coghlan, esq., U. S. attorney, it is ordered that judgment be entered herein against J. O. Wilsey, Bernard Kelly, and Antoine Leger for possession of the premises described in the complaint herein, without costs. Joel Vann and Jacob Updegraph were sworn and examined as witnesses on behalf the United States. Ordered, further trial hereof be continued till to-morrow.

I hereby certify that the foregoing is a full, true, and correct copy of an original order entered in the above entitled action.

Attest my hand and the seal of said circuit court this 31st day of May, A. D. 1880.

[SEAL.] L. S. B. SAWYER, *Clerk.*
By J. F. O'BIRNE,
Deputy Clerk..

Findings.

United States circuit court, ninth circuit, district of California.

THE UNITED STATES, PLAINTIFF,
v.
CHARLES H. EBERLEE, DAVID THOMPSON, J. O. WILSEY, Bernard Kelley, Fred. Bourne, &c., Frank Asbill, Pierce Asbill, E. S. Gibson, and Antoine Leger, defendants.

FINDINGS OF FACT.

This cause came on regularly to be heard this 19th day of July, 1877, J. M. Coghlan, esq., appearing for plaintiff, and Latimer & Morrow, esq's., appearing for the defendants Frank Asbill, Pierce Asbill, and E. S. Gibson, and Messrs. Latimer & Morrow and

John Mullan, esq's., appearing for defendants Charles, H. Eberlee, David Thompson, and C. H. Bourne, and after evidence had been introduced, a jury being waived, the same was submitted to this court for its decision, and the court having duly considered the evidence adduced, finds the following facts:

I. That in the month of July, 1856, the superintendent of Indian affairs for the State of California recommended to the Commissioner of Indian Affairs that Nome Cult Valley be used as an Indian reservation, and announced to said Commissioner, in a letter bearing date July, 1856, that Nome Cult Valley would be occupied as an auxiliary to Nome Lackea and Mendocino Reservation.

That Nome Cult Valley embraces all the lands described in plaintiff's complaint, and that, in the month of November, 1858, the said Commissioner notified the said superintendent of Indian affairs that the Secretary of the Interior had directed that the entire Nome Cult Valley would be retained as an Indian reservation, and that an Indian farm was established and in operation there as early as the year 1858, and used, recognized, and respected as such for a long time prior to any survey of its exterior boundaries.

II. That in 1860 a survey was made of the exterior boundaries of the reservation, which survey was approved by the United States surveyor-general of California May 4th, 1860, and recognized by the Commissioner of the General Land Office as defining the boundaries of such reservation.

III. That the lands and improvements claimed by the defendants, Charles H. Eberlee, David Thompson, and C. H. Bourne, and within the interior limits of this aforesaid survey, and those claimed by the defendants, Gibson and Frank M. and Pierce Asbill are not; and that the defendants, Bourne, Eberlee, and Thompson were upon the said lands claimed by them at the time the survey of 1860 was made and prior thereto.

IV. That in the month of December, 1869, and January, 1870, another survey was made of said reservation under the direction of the Commissioner of the General Land Office, enlarging the reservation by taking in more land; that the last mentioned survey also embraces the lands described in the plaintiff's complaint, and was approved by the President of the United States. That a proclamation of a reservation of these lands by the President of the United States for Indian purposes was made on the 30th day of March, 1870, and prior thereto no proclamation that said lands had been so reserved had been made by the President of the United States.

V. That the lands and the appraised improvements of the defendants, Charles H. Eberlee, David Thompson, C. H. Bourne, Frank Asbill, Pierce Asbill, and E. S. Gibson, are within the limits of said last-mentioned survey.

VI. That by the act of the Congress of the United States approved March 3, 1873, entitled "An act to restore a part of Round Valley Indian Reservation to the public lands and other purposes," the premises described in the complaint were set apart from the public lands of the United States as an Indian reservation, and reserved from entry and sale; that said act also determined the southern, eastern, and western boundaries of said reservation.

VI. That under and in pursuance of said act of Congress approved March 3, 1873, the Secretary of the Interior appointed B. R. Cowan, P. C. Shanks, and Charles Marsh, commissioners to locate the northern boundary of said reservation, and to appraise the value of the improvements of white persons situated north of the southern boundary line as established by the aforesaid act of Congress.

VIII. That in the month of June, 1873, the said commissioners so appointed proceeded to examine said premises, and subsequently made a report to the Secretary of the Interior, locating the northern boundary line of said reservation, and recommending that the tract of land described in the plaintiff's complaint should constitute said reservation.

IX. That on the 3d day of March, 1873, prior thereto, and at the time of the commencement of this action the defendants, Charles H. Eberlee, David Thompson, C. H. Bourne, Frank Asbill, Pierce Asbill and E. S. Gibson were white persons residing within the exterior boundaries of the land described in the plaintiff's complaint, and which had been appropriated and used by the plaintiff as an Indian reservation.

X. That the commissioners appointed under and in pursuance of said act of Congress appraised certain improvements of the parties above named as follows:

Charles H. Eberlee's	$2,925 00
David Thompson's	1,940 00
C. H. Bourne's	5,130 00
Frank Asbill's	304 78
Pierce Asbill's	580 00
E. S. Gibson's	1,000 00

That on the 4th day of August, 1873, the report of the appraisements made by the aforesaid commissioners and the location of the northern boundary line of said reservation was approved by the Secretary of the Interior in all particulars.

XI. That on or about the 15th of July, 1875, one J. L. Burchard was United States Indian agent of the Round Valley Indian Reservation, described in the plaintiff's complaint, and, at the request of and acting for the plaintiff, paid to the defendants:

Charles H. Eberlee	$2,925 00
David Thompson	1,940 00
and C. H. Bourne	5,130 00

Which several sums were paid to said defendants respectively, and received by each of them for the appraised value of their improvements situated on lands within the limits of said Round Valley Indian Reservation.

XII. The improvements so appraised by said commissioners to Frank Asbill, Pierce Asbill, and E. S. Gibson, were as follows, to wit:

Frank Asbill: Dwelling-house, $100; barn, $50; one-half mile picket fence, $122.78; 800 rails and polls, $32. Total, $304,78.

Pierce Asbill: House, $100; fencing about 12,000 rails and pickets, $480. Total, $580.

E. S. Gibson: Shanty dwelling (shake), log store-house, shake barn, corral and fenced field, $1,000.

The foregoing is all that was appraised as the improvements of the said Asbill and Gibson; and the improvements so appraised by the said commissioners to the said Charles H. Eberlee, David Thompson, and C. H. Bourne, were as follows, to wit:

Charles H. Eberlee:

House and lean-to	$700
Barn	$800
Chicken-house	$25
200 fruit trees	$200
75 grape vines	$150
Four miles fencing, 26,000 rails, including corral, pickets, and new rails for repairs	$1,050
Total	$2,925

Charles H. Bourne:

Dwelling-house	$1,000
Store-house	$100
Barn & granary	$1,000
Chicken-house	$50
Hog-shed and butcher-shop	$50
73 fruit trees	$150
75 grape vines	$150
Six miles fencing	$2,580
Buggy-house	$50
Total	$5,130

David Thompson:

Dwelling house	$800
Barn	500
Fencing	$250
½ mile picket fence	$250
Two store-houses	$50
100 walnut trees	$25
Chicken house	$25
40 fruit trees	$40
Total	$1,940

The foregoing is all that was appraised as the improvements of the said C. H. Eberlee, C. H. Bourne, and David Thompson.

XIII. That the defendant herein, Frank M. Asbill, is the Frank Asbill named by the commissioners in their report.

That each of the defendants Frank M. Asbill, Pierce Asbill, and Gibson are white persons, and at the date of the passage of said act of Congress, and at the time of the appraisement made by said commissioners, had other than and additional improvements to those above specified upon lands north of the said south boundary of said reservation as established by said act, and situated upon the lands described in their respective answers, and which were not appraised by said commissioners, as follows, to wit: E. G. Gibson, four cabins of the value of one hundred dollars each; one corral of the value of $250, and another corral of the value of $100; three and a half miles of fence of the value of $400.

Pierce Asbill one barn of the value of $100 to $150; one smoke-house of the value of $50; one store-house of the value of $50 to $75; one cabin of the value of $50; one corral of the value of $300, and another corral of the value of $40 to $50; five acres of timothy meadows of the value, as an improvement of the land, of $50.

Frank M. Asbill, one-fourth mile picket fence, $100; two miles of fence, $250; one corral of the value of $300, and another corral of the value of $100; two cabins of the value of $100 each, and another cabin of the value of $50.

XIV. The above values are estimated in gold coin. That the commissioners, nor either of them, ever went upon the premises claimed by Frank M. Asbill and described in his answer, nor examined any of his improvements. That Frank M. Asbill requested them to go and examine and make appraisement of his improvements, and offered to accompany them, and to point out such improvements, which they declined. That George W. Henly, acting for and on behalf of the defendant Gibson, presented to the commissioners, while they were at Round Valley, for the purpose of making the appraisements, a complete list of the improvements situated upon the premises claimed by Gibson and described in his answer (which list included the improvements hereinbefore specified as being upon the premises of Gibson and not appraised) and requested the commissioners, on behalf of Gibson, to receive the list and to make appraisement of the improvements, and requested them to go and examine the improvements, and stated to them that either he or Gibson would go with them and point out the improvements to them, and that the commissioners declined to either receive said lists or to go and examine the improvements.

XV. That about August, 1875, one J. L. Burchard, who was agent of the plaintiff for the purpose, acting for and on behalf of the plaintiff, Pierce and Frank M. Asbill both being present, offered to pay to F. M. Asbill $304.78, the same being the amount of the appraisement made to Frank Asbill by the commissioners, which sum he declined to accept. That the said Burchard then took out of his coat pocket an envelope, and without opening it or disclosing its contents, held it in his hand and turned to Pierce Asbill and said to him: "Well, Pierce, I suppose you don't want this;" to which Pierce Asbill replied, "No, but I will take the Vannader money."

That about the date last named the said Burchard, acting as aforesaid, offered to pay E. S. Gibson one thousand dollars, being the amount of the appraisement for improvements made by the commissioners to him, which the said Gibson declined.

That subsequent to the commencement of this action, the defendants Gibson and F. M. Asbill went to Burchard and severally offered to accept the moneys previously offered by him to them, as aforesaid, and the said Burchard then and there declined to pay the same or any part thereof to them.

That the plaintiff has kept neither of the aforesaid offers or tenders good, and has not brought into court the amount so offered or tendered, or any part thereof, nor has any evidence been produced tending to show that, at any time since said offers or tenders, the plaintiff has been either ready or willing to pay said moneys, or any part thereof, to either of the defendants F. M. Asbill, Pierce Asbill, or Gibson.

XVI. That at the time the commissioners were at Round Valley, engaged in making the appraisements, there were situated upon the premises claimed by Pierce Asbill, and described in his answer, one balloon-frame dwelling and outbuildings, which belonged to Pierce Asbill, and were occupied by William Vannaden. That Pierce Asbill informed the commissioners that the said dwelling and outbuildings belonged to him, and requested that they appraise them to him, which request the commissioners declined, and appraised them to William Vannaden at the sum of five hundred dollars; and that this sum is the money that Pierce Asbill offered to accept when he said to Burchard as hereinbefore stated that he would take the Vannaden money.

XVII. That J. L. Burchard was the duly constituted agent of the plaintiff for the purpose of paying the appraisements made by the commissioners, and that while he was such agent and prior to the commencement of this action, the defendant Pierce Asbill presented to him a written order of William Vannaden directing him, Burchard, to pay the said five hundred dollars to Pierce Asbill, and then and there demanded of said Burchard that he pay said five hundred dollars to him, which the said Burchard then and there refused to do; and that the defendant Pierce Asbill has never been paid or tendered the said sum of five hundred dollars or any part thereof.

XVIII. That afterwards, on the 18th day of August, 1875, the plaintiff, by its agent, J. L. Burchard, who was then in charge of said Round Valley Indian Reservation, served written demands upon each of the defendants hereinbefore named for the possession of the premises described in the plaintiff's complaint, together with the improvements theron, and that defendants failed and refused to remove from said premises or to deliver possession thereof to the plaintiff.

XIX. That the defendants, Frank M. and Pierce Asbill, settled upon the premises claimed by them and described in their respective answers, in the year 1864, and the defendant Gibson on the premises claimed by him and described in his answer, in the same year.

That the improvements hereinbefore described as being situated upon the respective premises claimed by the defendants, F. M. and Pierce Asbill and Gibson, and described in their answers, are useful and valuable improvements upon the land, and were such at the date of the passage of the act of March 3, 1873, aforesaid, and at the time the commissioners made their appraisements; and at the date of the passage of said act and of said appraisements were then and there improvements of white persons situated north of the said southern boundary of said reservation and upon the lands described in the complaint.

XX. On July 29, 1861, Joseph J. Cloud, county surveyor of Mendocino County, in accordance with the act of the legislature of California concerning swamp and overflowed land, approved April 18, 1859, and the instructions of the surveyor-general of California, surveyed for Charles H. Eberlee the following tract of land situate in said Mendocino County, containing four hundred and forty acres, being survey No. 33, swamp and overflowed lands, to wit: the SW. ¼ and S. ½ of NW. ¼, NW. ¼ of NE. ¼, S. ½ of NE. ¼, and N. ½ of SE. ¼, S. 30, T. 23 N., R. 12 W., base and meridian of Mount Diablo; which survey and field-notes were filed in the office of the said county surveyor August 9, 1861, and approved by the surveyor-general of the State August 14, 1861.

Afterwards, on Dec. 17, 1861, said Charles H. Eberlee paid to Jno. H. Morris, as county treasurer of said Mendocino County, as provided by law, one hundred twenty-three and $\frac{20}{100}$ dollars, being twenty per cent. of the purchase-money for said 440 acres of land, and one year's interest on the balance at ten per cent. per annum, together with three dollars, being the fee allowed by law to the register of the land office for issuing certificate of purchase; and thereupon the said Jno. W. Morris, as said county treasurer, issued to said Eberlee a receipt for and showing said payment.

Afterwards, in pursuance of said survey and payment, J. F. Houghton, register of the State land office of the State of California, on August 18, 1862, issued to said Charles H. Eberlee a certificate of purchase of said 440 acres of land, which certificate is in the words and figures following, to wit:

Certificate of purchase.—Swamp and overflowed lands.

One hundred and twenty-three $\frac{20}{100}$ dollars, 20 per cent. and interest. Act of April 18th, 1859.

STATE LAND OFFICE OF THE STATE OF CALIFORNIA,
No. 1662.] *Sacramento, 18th day of August, 1862.*

It appearing from the certificate of the county treasurer, bearing date the 17th of Dec'r, A. D. 1861, that C. H. Eberlee has paid to the State of California the sum of one hundred and twenty-three $\frac{20}{100}$ dollars, being 20 per cent. of the purchase-money and first year's interest on the balance for 440 acres of swamp and overflowed land, described as follows: In survey No. 33, Mendocino County, the SW. ¼, the S. ½ of the NW. ¼, the NW. ¼ of the NE. ¼, the S. ½ of the NE. ¼, and the N. ½ of the SE. ¼ of section 30, in township No. 23 north, range No. 12 west of Mount Diablo meridian.

Now, therefore, be it known, that the said C. H. Eberlee, having made payment of said 20 per cent. and first year's interest for the above described tract of land, under the provisions of an act entitled "An act amendatory of an act entitled 'An act to provide for the sale and reclamation of the swamp and overflowed lands of this State,' passed April 21st, 1858,' approved April 18th, 1859, is the purchaser of thesame; and after having in all other respects complied with the provisions of said act, and on presentation of this certificate to the governor of the State of California, and after the said lands have been confirmed to the State, the said C. H. Eberlee, or his assigns, shall be entitled to receive a patent for the same.

Balance of purchase-money due, $352.00 interest to be computed from November 11th, 1861.

In witness whereof the register of said land office has hereunto set his hand and affixed his seal of office, the day and date above mentioned.

[SEAL.] J. F. HOUGHTON,
Register of State Land Office.

And the said Eberlee is now the holder and owner of said certificate of purchase-

XXI. That the greater portion of land in each and every 40-acre subdivision de scribed in said certificate of purchase No. 1662, embracing said 440 acres of land, was on the 28th Sept., 1850, and at the dates of survey for and purchase by said Eberlee, by virtue of their wet and swampy character, unfit to successfully raise a crop of the productions raised in California without the aid and use of artificial means, such as drains or canals, or such like, and was swamp lands within the meaning of the act of Congress.

XXII. That in like manner, as stated in finding XX, said Joseph J. Cloud, county surveyor, as aforesaid, on July 29, 1861, surveyed for Martin Corbett two hundred acres of land in said county of Mendocino, being the SE. ¼ and SW ¼ of the NE ¼, sec. 35, T. 23 N., R. 13, W., Mt. Diablo base and meridian, which survey, being No. 38 swamp and overflowed lands, was in like manner filed in the office of the county surveyor of said county August 9, 1861, and approved by the surveyor-general of the State October 28, 1861, and in like manner, as stated in finding XX, said Martin Corbett, on Nov. 22, 1861, paid to the county treasurer of Mendocino County 20 per cent. of the purchase-money for said land and interest on the balance, and $3 fee for issuing certificate of purchase, and received therefor from said treasurer a receipt similar to that specified in finding XX.

And afterwards, on February 12, 1867, the register of the land office of the State of California issued to the said Martin Corbett a certificate of purchase of said 200 acres of land, in all respects similar in form to that set out in finding XX.

That the lands described in said certificate of purchase No. 3128 were by deed on 24th day of October, 1867, duly conveyed to David Thompson, one of the defendants herein, and to J. P. Thompson and to J. W. Thompson, and on the 12th day of August, 1876, all the right, title, and interest in same, as held by said J. P. and J. W. Thompson, were by them by deed duly conveyed to the said defendant David Thompson, who is now the holder and owner of the said certificate of purchase No. 3128.

XXIII. That the greater portion of land on each and every 40-acre subdivision described in said certificate of purchase No. 3128 was on the 28th of September, 1850, and at the dates of survey for, and purchase by, said Corbett, by virtue of their wet and swampy character, unfit to successfully raise a crop of the productions raised in California without the aid or use of artificial means, such as drains or canals, or such like, and were swamp lands within the meaning of the act of Congress.

XXIV. That in like manner, as stated in finding XX, said Joseph J. Cloud, county surveyor as aforesaid, on July 29, 1861, made four separate surveys for John B. Owens, containing 440 acres of land in said county of Mendocino, being the W. ½ and SE. ¼ of the SE. ¼ of sec. 24; and also the SW. ¼ and SE. ¼ of the NW. ¼, and E. ½ of the SE. ¼ of sec. 25, in township 23 N., R. 13 W.; and also the SW. ¼ of the SE. ¼ of sec. 30, in township No. 23 N., R. 12 W., all of Mount Diablo base and meridian, which surveys, being Nos. 34, 35, 36, and 37, inclusive, swamp and overflowed lands, were in like manner filed in the clerk's office of the county surveyor of said county, August 9, 1861, and approved by the surveyor-general of the State October 28, 1861; and in like manner, as stated in finding XX, said John B. Owens, on December 31, 1861, paid to the county treasurer of Mendocino County 20 per cent. of the purchase money for said lands, and interest on the balance, together with $12 fees for issuing certificates of purchase, and received therefor from said county treasurer receipts similar in form to that specified in finding XX.

And afterwards, on August 18, 1862, and on September 17, 1862, the register of the land office of the State of California issued to said John B. Owens four certificates of purchase, numbered, respectively, 1663, 1673, 1674, and 1675 of said 440 acres of land, in all respects similar in form to that set out in finding XX.

That certain undivided interests in the whole of said last-described land were, by deeds of October 12, 1865, and October 29, 1866, duly conveyed by said Owens to one of the defendants herein, C. H. Bourne (now dead), and during the lifetime of said Bourne, and that the said certificates of purchase are now held and jointly owned by said Owens and the legal representatives of the late C. H. Bourne. The administrator was substituted and made a defendant at the trial of this suit.

XXV. That the greater portion of the land in each and every 40-acre subdivision described in said certificates of purchase, No. 1673, 1674, 1675, and 1663, was, on the 28th day of September, 1850, and at the dates of surveys for and dates of purchase by said Owens, by virtue of their wet and swampy character, unfit to successfully raise a crop of the productions raised in California without the aid or use of artificial means, such as drains or canals, or such like, or were swamp lands within the meaning of the act of Congress.

That the greater portion of each and every 40-acre subdivision of the lands, as specifically described as aforesaid, at the dates of the surveys, at the dates of the sales thereof, at the dates of issuance of certificates of purchase, and on 28th of September, 1850, by virtue of the wet and swampy character thereof, were unfit to successfully raise a crop of the productions raised in California without the aid or use of artificial means, such as drains or canals, or such like, and were swamp lands within the meaning of the act of Congress.

XXVI. That no portion of the lands claimed by Eberlee, Thompson, and Bourne as swamp and overflowed has ever been listed, certified or affirmed to the State of California by the Secretary of the Interior.

XXVII. That no portion of the lands claimed by E. S. Gibson, Pierce Asbill, and Frank Asbill are swamp and overflowed.

XXVIII. That the improvements of the defendant Thompson, with the exception of an enclosed field, and the improvements of the defendant Bourne, with the exception of enclosed pasture and fields, and a part of the improvements of the defendant Eberlee, were not situated upon the lands claimed by them respectively as swamp and overflowed, and that the possession of said improvements of the defendants Thompson and Bourne, not situated on the lands claimed to be swamp lands, was voluntarily surrendered by them to and retained by the said Burchard, as the agent of the United States, prior to the commencement of this action; but said Thompson and Bourne refused to surrender, and the said Burchard for that reason did not take possession of the said improvements situated on said part of said lands claimed to be swamp lands, and the said Eberlee refused to surrender, and for that reason the said Burchard did not take possession of any part of the improvements on the lands in possession of said Eberlee, or any part thereof. But the said Thompson, Bourne, and Eberlee, respectively, accepted from said Burchard, as the agent of the plaintiff, the whole sum of the appraised value of their respective improvements made upon all the lands claimed by them, including those situate upon lands claimed to be swamp as well as on the lands not claimed to be swamp lands.

XXIX. The value of the premises and matters in dispute exceeds the sum of five thousand dollars.

CONCLUSIONS OF LAW.

1. That the lands described in findings XX, XXII, and XXIV as being the lands in the possession of the defendants Eberlee, Thompson, and Bourne, and as held by them under purchase from the State of California, were, on the 28th day of September, 1850, "swamp lands," within the meaning of the act of Congress entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, and that as such the title thereto passed to the State of California on said 28th day of September, 1850, by virtue of the provisions of said act, and that at the date of the commencement of this action said defendants, Eberlee, Thompson, and Bourne were lawfully in possession of said lands respectively claimed and possessed by them, as stated in said findings, under and by virtue of the purchases thereof from the State of California, as in the findings herein set forth, and that the said plaintiff had no right, title, or interest in said lands, or any part thereof, and no authority over them.

2. That the tender in solido on behalf of the said plaintiff, and acceptance of the same by said defendants, Eberlee, Thompson, and Bourne, of the amount of the appraised value of all the improvements owned by said defendants respectively, embracing their improvements on lands the title to which was in plaintiff, being other lands than those claimed by said defendants, by virtue of said purchases from the State of California, as well as those so purchased, did not affect the title of said defendants to said lands in their possession, so purchased from the State of California as aforesaid, and does not estop the said defendants from asserting and maintaining their respective rights and title to said lands described in findings XX, XXII, and XXIV, purchased and possessed by them as aforesaid.

3. That said defendants, Eberlee, Thompson, and Brown, are entitled to judgment as to said land described in said findings XX, XXII, and XXIV.

4. That as to defendants Gibson, Frank M. Asbill, and Pierce Asbill, who entered upon the lands possessed by them before said lands were included in said reservation, the act of Congress entitled "An act to restore a part of the Round Valley Indian reservation in California to the public lands, and for other purposes," approved March 3, 1873, under which this proceeding is had, recognizes their rights, respectively, to retain possession of the lands in their several possessions, being the lands specifically described in their several answers until an appraisement and payment or tender to them, by the plaintiff, of appraised value of all their improvements, and as the commissioners refused to examine or to appraise the larger part of their several improvements, and no payment or tender of the appraised value was made therefor, the conditions prescribed by said act precedent to the right of said plaintiff to take or recover possession of said lands for the purposes of said act, have not been performed by plaintiff, and the plaintiff is not yet entitled under said act to recover of said defendants the possession of said lands so described in the respective answers of said last-named defendants.

Let judgment be entered for plaintiff for all the premises described in the complaint as against all the defendants defaulted.

Judgment for plaintiff as against each of the defendants, Frank M. Asbill, Pierce Asbill, and Gibson, respectively, for all of the premises described in the complaint, except the portion respectively described in their several answers.

Judgment for plaintiff as to the defendants, Eberlee, Thompson, and Bourne, for all the premises described in the complaint, except the lands described in findings XX,

XXII, and XXIV, and as to the lands so described in said findings that plaintiff take nothing.

Also judgment for costs as against the defendant Eberlee, but no costs as to the other defendants.

(Signed) LORENZO SAWYER,
U. S. Circuit Judge, Ninth Circuit.

(Endorsed:) Filed May 31st, 1880. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep'y cl'k.

Judgment.

In the circuit court of the United States of the ninth judicial circuit in and for the district of California.

THE UNITED STATES *vs.* CHARLES H. EBERLEE ET AL. } No. 1486.

This cause having come on regularly for trial on the 19th day of July, A. D. 1877, being a day in the July, A. D. 1877, term of said court, before the court sitting without a jury, a trial by jury having been expressly waived by written stipulation of counsel filed with the clerk, and the defendant C. H. Bourne, having died since the commencement of this suit, and the action having been continued against Fred. Bourne, administrator, John M. Coghlan, United States attorney, appearing on behalf of the plaintiff, and Messrs. Latimer and Morrow appearing on behalf of defendants, Frank Asbill, Pierce Asbill, and E. S. Gibson, and Messrs. Latimer and Morrow and John Mullan, esquires, appearing for defendant, Charles H. Eberlee, David Thompson, and Fred. Bourne, administrator of the estate of C. H. Bourne, deceased, and the trial having been proceeded with on the 20th and 21st days of said July, and witnesses on the part of the plaintiff and of the defendants having been sworn and examined, and the evidence being closed, the cause, after arguments of counsel, was submitted to the court for consideration and decision, and the court, after due deliberation, having filed its finding in writing and ordered that judgment be entered herein in accordance therewith, now, therefore, by virtue of the law, and by reason of the finding aforesaid, it is considered by the court that the United States, plaintiff, do have and recover of and from the defendants, Charles H. Eberlee, David Thompson, J. O. Wilsey, Bernard Kelley, Fred. Bourne, administrator of the estate of C. H. Bourne, deceased, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antoine Leger, the possession of all those certain lands and premises (save and except the pieces or parcels of land hereinafter set forth), situated in the county of Mendocino, State of California, known and described as follows, to wit: Beginning at a point where the township line dividing townships 22 and 23 north, Mount Diablo meridian intersects and crosses the center of the middle fork of Eel River, and running eastwardly up the center of said middle fork of Eel River to the mouth of William's Creek; thence up said William's Creek, following the center thereof, to the extreme northern source of said William's Creek; thence westerly across Blue Nose Ridge by a monument and stake marked respectively "U. S. R." in a direct line to the headwaters of Hull's Creek; and thence down the center of said Hull's Creek to its intersection with the north fork of Eel River; thence down said north fork of said Eel River, along the center thereof, to the intersection of said north fork with main Eel River; thence up said Eel River along the center thereof, to a point in the center of said river where the said township line dividing townships 22 and 23 north crosses the center of said Eel River; and thence east a long said township line to the place of beginning, excepting, however, from said above-described lands and premises the following-described piece or parcel of land, found by the court to be, at the date of the alleged ouster of plaintiff, in the rightful possession of the defendant Charles H. Eberlee, to wit, the SW. ¼ and S. ½ of NW. ¼, NW. ¼ of NE. ¼, S. ½ of NE. ¼, and N. ½ of SE. ¼, S. 30, T. 23 N., R. 12 W., Mount Diablo base and meridian, containing 440 acres, and known as survey No. 33, swamp and overflowed lands and premises; that the plaintiff take nothing, and that said defendant Charles H. Eberlee go hence without day, and also excepting from the piece or parcel of land hereinbefore set forth in this judgment the following-described lands and premises found by the court to be, at the date of the alleged ouster of plaintiff, in the rightful possession of defendant David Thompson, to wit, SE. ¼, and SW. ¼ of the NE. ¼, sec. 35, T. 23 N., R. 13 W., Mount Diablo base and meridian, containing 200 acres, and known as survey No. 38 of swamp and overflowed lands, and as to said last-described lands and premises that the plaintiff take nothing, and that said defendant David Thompson go hence without day; and further excepting from the piece or parcel of land first hereinbefore set out the following-described lands and premises found by the court to be, at the date of

the alleged ouster of plaintiff, in the rightful possession of defendant, C. H. Bourne, to wit, the W. ½ and SE. ¼ of the SE. ¼ of sec. 24, and also the SW. ¼ and SE. ¼ of the NW. ¼ and E. ½ of the SE. ¼ of sec. 25 in township 23 N., R. 13 W., and also the SW. ¼ of the SE. ¼ of section 30, in township No. 23 N., R. 12 W., all of Mount Diablo base and meridian, containing 440 acres, and known as surveys 34, 35, 36, and 37 of swamp and overflowed lands, and as to said last-described lands and premises that the plaintiff take nothing, and that Fred. Bourne, administrator of the estate of C. H. Bourne, deceased, go hence without day; and also excepting from the piece or parcel of land hereinbefore first set out the following-described lands and premises set out in the answer of Frank Asbill on file herein, to wit: Bounded on the west by the north fork of Eel River, on the north, northeast, and east by Hall's Creek, and on the south by Brushy Cañon, and that as to said last-described lands and premises the plaintiff take nothing by reason of this action; and also excepting from the piece or parcel of land hereinbefore first set out the following described lands and premises set out in the answer of Pierce Asbill on file herein, to wit: Bounded on the south by lands occupied by J. Updegraff and Brushy Cañon, on the west by the north fork of Eel River, on the north by Brushy Cañon, and on the east by the east side of Summit Valley, the said lot or tract of land being known as Summit Valley; and that as to said last-described lands and premises the plaintiff take nothing by this action; and also excepting from the piece or parcel of land hereinbefore first set out the following-described lands and premises set out in the amended answers of E. S. Gibson on file herein, to wit: Bounded on the north by lands occupied by J. Updegraff, on the south by Alder Creek and lands occupied by G. E. White, on the west by Eel River, and on the east by the main ridge; and also sections 34, 27, SE. ¼, sec. 22, N. ½ of sec. 23, sec. 14 and S. ½ of sec. 13, in township number 23 north, range number 13 west, Mount Diablo meridian; and that as to said last-described lands and premises the plaintiff take nothing by this action.

And it is further considered by the court that plaintiff do have and recover of and from defendant Charles H. Eberlee its costs and disbursements herein expended taxed at the sum of four hundred forty-three $\frac{93}{100}$ dollars; retaxed at the sum of four hundred twenty-two $\frac{73}{100}$ dollars.

Judgment entered May 31st, A. D. 1880.

L. S. B. SAWYER, *Clerk*,
By J. F. O'BEIRNE,
Deputy Clerk.

I, Lorenzo S. B. Sawyer, clerk of the circuit court of the United States for the district of California, do hereby certify the foregoing to be a full, true, and correct copy of the judgment in the therein-entitled cause.

Attest my hand and seal of said circuit court this 31st day of May, A. D. 1880.

[SEAL.] L. S. B. SAWYER, *Clerk*,
By J. F. O'BEIRNE,
Deputy Clerk.

(Endorsed:) Filed 31st May, 1880. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep'y cl'k.

In the circuit court of the United States, ninth judicial circuit, district of California.

THE UNITED STATES
vs.
CHARLES H. EBERLEE ET AL.

I, Lorenzo S. B. Sawyer, clerk of the circuit court of the United States, of the ninth judicial circuit, within and for the district of California, do hereby certify that the foregoing papers hereto annexed constitute the judgment roll in the therein-entitled action.

Witness my hand and the seal of said circuit court this 31st day of May, A. D. 1880.

[SEAL.] L. S. B. SAWYER, *Clerk*,
By J. F. O'BEIRNE,
Deputy Clerk.

(Endorsed:) Judgment roll. Filed May 31st, 1880. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep'y clerk.

Stipulation that the value of the real estate, &c., exceeds the sum of $5,000.

United States circuit court, ninth circuit, district of California.

THE UNITED STATES *vs.* CHARLES H. EBERLEE, DAVID THOMPSON, J. O. Wilsey, Bernard Kelly, C. H. Bourne, Frank Asbill, Pierce Asbill, E. S. Gibson, and Antoine Leger.	No. 1486.

It is hereby stipulated and agreed that the value of the real estate and property in controversy in the above-entitled cause exceeds the sum of five thousand dollars, and that this stipulation may become a part of the record in said cause.

L. D. LATIMER,
Attorney for Defendants Eberlee, Thompson, Bourne, Gibson, Frank Asbill, and Pierce Asbill.
PHILIP TEARE,
United States Attorney.

(Endorsed:) Filed January 19, 1881. L. S. B. Sawyer, clerk, by J. F. O'Beirne, dep'y cl'k.

I, Lorenzo S. B. Sawyer, clerk of the circuit court of the United States of the ninth judicial circuit, in and for the district of California, do hereby certify the foregoing one hundred written pages, numbered from 1 to 100 inclusive, are a full, true, and correct transcript of the record and all the proceedings in the therein-entitled cause, and that the same together constitute the return to the annexed writ of error.

Witness my hand and the seal of said circuit court this 19th day of January, A. D. 1881.

[SEAL.] L. S. B. SAWYER, *Clerk.*

(Indorsement on cover:) No. 799. The United States, plaintiff in error, vs. Fred. Bourne, administrator of C. H. Bourne, deceased; Frank Asbill, Pierce Asbill, E. S. Gibson, Charles H. Eberlee, David Thompson, J. O. Wilsey, Bernard Kelley, and Antoine Leger. California, C. C. U. S. Filed 28th January, 1881.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1523.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 411.]

The Committee on Pensions, to whom was referred the bill (H. R. 411) granting a pension to Elizabeth Conner, having considered the same, respectfully report:

The material facts in this case are set out in the report of the House Committee on Pensions, made at the last session of the present Congress, being the same submitted on Elizabeth Conner's case by the Committee on Pensions of the House, second session Forty-seventh Congress, as follows:

The Committee on Pensions, to whom was referred the bill H. R. 6075, after duly considering the same, are of the opinion that Conner was an extraordinarily brave man, and that he was of unusual service to our country in its early history as soldier, scout, spy, and interpreter, and that his aged widow is entitled to a pension under existing laws. Although the official record evidence was lost or burnt, yet from the affidavits of Abraham Williams and James M. Ray, and from history referred to herewith, and all made a part of this report, your committee think the facts are fully established showing that Conner was, as before stated, a brave soldier, and therefore report the bill back and recommend favorable consideration.

STATE OF INDIANA,
Marion County:

Marion circuit court.

Before me, Austin H. Brown, clerk of said Marion circuit court, personally came this the 16th day of May, 1878, James M. Ray, a resident of Indianapolis, in said county, aged seventy-seven years on December 23, 1877, who, being duly sworn, deposeth and saith as follows, to wit:

I became acquainted with William Conner in the spring of the year 1821, and his present widow, Elizabeth Conner, at their family residence on White River, Indiana, four miles south of the present town of Noblesville, he being there engaged as a trader with the Delaware and other Indians, and I then learned from him that he had been long so engaged as a trader with Indians of that region, for many years previous to the war of 1812, and that he was actively engaged as a spy and guide during that war for the United States troops, under the command of General William H. Harrison, in contest with the Indians who had become in that region partially hostile to the United States. That I remained closely intimate with said William Conner until the day of his death, on the 8th of August, 1855; and, further, that in the month of June, 1823, I traveled on horseback, in company with the said William Conner, from his said home on White River, Indiana, to Sandwich, Canada, nearly opposite Detroit, Mich., to aid him in settling his account with a British merchant there, named McGregor, for goods furnished him by the said McGregor to trade with the Indians just previous to the war of 1812, and while on that journey through the State of Ohio we met a party

of several Indians on foot, each dressed in a scarlet blanket which they had just received as their annual present from the British Government in Canada for fighting for said Government against the United States in the war of 1812, and I noticed in passing said Indians that the last one of them stopped short on observing said Conner and scowled sternly at him until we were out of their sight, when the said William Conner remarked to me that it would have been dangerous for him to have met that Indian alone, as his scowl proved that he recognized him as the guide of the United States troops led by Lieut. Col. John B. Campbell to the Mississinwa towns which were burned during the battle of the 18th of December, 1812.

I will also state, as deputy clerk for the circuit court at Connersville, Ind., I issued a marriage license to the said William Conner and Elizabeth Chapman just previous to the 30th day of November, 1820; that I engaged Fielding Hazelrig, esq., a justice of the peace for Fayette County, Indiana, to unite them in marriage.

For further evidence I refer as to the identity of said William Conner's services in the said battle of Mississinwa in December, 1812, to the following extracts from the report of Lieutenant-Colonel Campbell to General Harrison, which will be found on the records and files of the proper Departments in Washington City, which I annex from Dillon's History of Indiana on pages 511 to 513, to wit:

"At four on the morning of the 18th I ordered the reveille to be beaten, and the officers convened at my fire. A short time afterwards, while we were in council, and about half an hour before day, my camp was most ferociously attacked by a large party of Indians, preceded by and accompanied with a most hideous yell. This immediately broke up the council, and every man ran to his post. The attack commenced upon that angle of the camp formed by the left of Captain Hopkins' troops and the right of Captain Garrard's, but in a few seconds became general from the entrance of the right to the left of Ball's squadron. The enemy boldly advanced to within a few yards of the lines, and seemed determined to rush in. The guards posted at the different redoubts retreated to camp, and dispersed among their different companies, thus leaving me without a disposable force. Captain Smith, of the Kentucky Light Dragoons, who commanded one of the redoubts, in a handsome and military manner kept his position, although abandoned by half his guards, until ordered to fill up the interval in the rear line between the regiment and squadron.

"The redoubt at which Captain Pierce commanded was first attacked. The captain maintained his position until it was too late to get within the lines. He received two balls through his body and was tomahawked. He died bravely and much lamented. The enemy then took possession of Captain Pierce's redoubt, and poured in a tremendous fire upon the angle to the right and left of which were posted Hopkins's and Garrard's troops. But the fire was as warmly returned. Not an inch of ground was yielded. Every man, officer and soldier, stood firm, and animated and encouraged each other. The fire became warm on the left of the squadron, at which Captain Markle's troops were posted, and the right of Elliott's company, which, with Markle's, formed an angle of the camp, was severely annoyed by the enemy's fire. I had assisted in forming the infantry composed of Elliott's company of the Nineteenth United States Regiment, Butler's Pittsburgh Blues, and Alexander's Pennsylvania Riflemen, and ordered them to advance to the brink of a declivity from which they could more effectually defend themselves, and harass the enemy if they should attempt an attack on that line.

"While I was thus engaged, Major Ball rode up to me and observed that he was hard pressed, and must be relieved. I galloped immediately to the left wing with an intention of ordering Captain Trotter's troops to reinforce the squadron, but was there informed that the enemy was seen approaching in that direction, and believing it improper on second thought to detach a large troop from that line, which also covered an angle of the camp, I determined to give the relief from the infantry. I wheeled my horse, and met Major McDowell, who observed that the spies and guides, under the command of Capt. Patterson Baine, consisting of ten men, were unemployed. We rode to them together and ordered Captain Baine to the support of the squadron. Seven of them, to wit, James Adrian, William Conner, Silas McCullough, James Thompson, James Noggs, John Ruland, and Joseph G. McClelland, followed their brave leader and rendered most effectual assistance."

I, James M. Ray, further depose and say that the said Elizabeth Conner, widow of the said William Conner, has remained unmarried since the day of his death; and also further depose and say that I attended and was present at the funeral of said William Conner at Noblesville, Ind., soon after the day of his death, which had occurred on the 8th day of August, 1855; and I also further depose and say that I have a distinct remembrance of the said William Conner stating to me, after my personal acquaintance with him in 1821, that, being a spy and guide to the army of General Harrison in the battle of the Thames on the 5th day of October, 1813, he was called upon by the commanders in that battle at the close of the fight to come forward and ascertain certainly whether one of the Indians killed was really Tecumseh, as it was

known by the other spies that he, Conner, had very intimately known him, while dealing with the Indians as a trader before the war, and I am confident the name of the said William Conner, as a spy, will be found enrolled in the proper records of the War Office, among the rolls of the spies and guides engaged for the United States in that battle; and doubtless some time after the date of that battle he was honorably discharged.

And I hereby refer to the United States treaty with the Indians, made at Greenville, Ohio, on the 22d day of July, 1814, General William H. Harrison, and Lewis Cass, as governor, being commissioners. The said William Conner is named as one of the sworn interpreters, as will be found and stated in the United States Statutes at Large, No. 7, page 120, on treaties.

JAMES M. RAY.

In testimony of all of which I, Austin H. Brown, clerk of said Marion circuit court, hereunto set my hand and the official seal of said court, at Indianapolis, this 16th day of May, 1878.

[SEAL.] AUSTIN H. BROWN,
Clerk Marion Circuit Court.

STATE OF INDIANA,
Marion County:

On this 19th day of July, 1879, comes Abraham Williams, who, being sworn, says that he is now eighty-seven years of age past (born February, 1792); that he served in the Army of the United States, in the war of 1812–'13, in Throckmorton's Kentucky militia, for which his name is now inscribed on the pension-rolls of Indianapolis agency as No. 1241 (2) (a) of the date of 18th June, 1871.

He further says that while in the service in the year 1813, in the month of October, and while in Canada, opposite or nearly opposite Detroit, Mich., he met William Conner, whose widow, Elizabeth Conner, is now an applicant for a pension under the act of Congress of —— —, 1878.

He further says that at that time said William Conner was in the service of the United States as an Indian spy and interpreter, in which capacity he met him on several occasions at and near to the town of Sandwich, in Canada. He does not now recollect to what particular command said Conner was attached in his capacity of spy and interpreter, but understood then and now believes he was attached to the command generally and directed by the commandants to points of necessity. During the stay of affiant at that and other points in Canada near thereto he met said William Conner a number of times and knows that he was engaged in said service for the period in all of about ten or fifteen days, and believes that he had been with the command from its organization, and during that time he met said Conner quite a number of times. He afterwards, in 1825, became a neighbor and well acquainted with said William Conner, and knew him and his family until the death of said William Conner. When he first met said William Conner in Hamilton County, Indiana, he recognized him at once, and on many occasions afterwards he and the said William Conner talked over the incidents and circumstances of their meeting in Canada.

He has known the applicant, Elizabeth Conner, for the last fifty years and knows that she is the widow of the said William Conner. Affiant is old and feeble, or he would be able to give other incidents of his acquaintance and intercourse.

his
ABRAHAM + WILLIAMS.
mark.

Witnesses:
T. N. WILLIAMS,
WM. PAYNE,
BETTY MASSEY.

I, Fabius M. Finch, a notary public in and for the county of Marion and State of Indiana, certify that on the 19th day of October, 1879, the affiant, Abraham Williams, appeared before me, and after being fully and thoroughly requested to give his recollection of the facts above named, gave with much deliberation and detail the facts above set out, which, at his request, were reduced to writing as above, and after being read to him were subscribed and sworn to as here set out in the presence of the subscribing witnesses. I further certify that I have had an acquaintance of about fifty years with said Williams, and have heard him talk about some of the incidents named in this statement more than forty years ago.

Witness my hand and notarial seal this day and year above given.

[SEAL.] FABIUS M. FINCH,
Notary Public.

The officers, non-commissioned officers, and privates, who were fortunate to have an opportunity of distinguishing themselves by their valor or good are as follows:

Kentucky Dragoons. * * *
Major Ball's squadron. * * *
Pittsburgh Blues. * * *
Nineteenth U. S. Inf't'y. * * *
Spies and guides: Capt. Patterson Bain. * * * William Conner. * *
* * * * * *

(Copy.)

L. HERKILI
Assistant Deputy Adjt.

JOHN PAYNE,
First Lieutenant Kentucky V. L. D., and Adj't to Detachments.

Battle was Dec. 17, 1812.
Indians were Delaware & Miami tribes.
John B. Campbell, Lt. Col. 19th Reg. U. S. Inf't'y.
Gen. W. H. Harrison was in command of N. W. Army.
The committee move to amend the present bill by striking out the name "C and inserting the name "Conner," the latter being the proper name of the pe question.

Your committee report the bill favorably, and recommend tha pass.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1524.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1142.]

The Committee on Pensions, to whom was referred the bill (H. R. 1142) granting a pension to Nelly Roberts, have examined the same, and report, recommending its passage.

[House Report No. 144, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1142) granting a pension to Nelly Roberts, submit the following report:

The committee are satisfied that Nelly Roberts is very old, very poor, and appeals most strongly to our sympathy. She furnished four sons to the Federal Army, three of whom died in service. That she was entirely dependent upon her dead son, Fred. Sawyer; when he died is not clear, but it is clear that but for his death she would now be entirely dependent upon him. She is now dependent on the charity of her old master, and is over seventy-five years old.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1525.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6173.]

The Committee on Pensions, to whom was referred the bill (H. R. 6173) granting a pension to Rose Dougherty, have examined the same and report recommending its passage. (See House Report.)

[House Report No. 1501, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6173) for the relief of Rose Dougherty, having considered the same, make the following report:

John Dougherty, husband of the petitioner, enlisted in the service of the United States in Company B, Thirty-seventh New York Volunteers, on the 9th of May, 1861, and was honorably discharged on the 22d of June, 1863. He was pensioned at $6 per month for wounds received at the battle of Fredericksburg, Va., December 13, 1862, and died May 26, 1882, of pneumonia superinduced, as is alleged, by his wound. The widow filed application for pension July 28, 1882, which was rejected on the ground that the soldier's fatal disease was not the result of the injury for which he was pensioned, nor due to his military service.

The opinions of the physicians who attended him after his discharge and in his last illness indicate that his death was directly traceable to his wounds, and that but for his enfeebled and constantly weakening condition he could have successfully combatted the disease which terminated his life.

Dr. William O'Meagher, of New York City, testifies that he was formerly surgeon of the Thirty-seventh New York Volunteers, and knew the soldier to be a sound, healthy, temperate young man before he was wounded at the battle of Fredericksburg, Va., by a shot or shell striking his knapsack, which was torn to shreds, and severely contusing his back from the superior scapular region to the lumbar region, producing extensive insensibility and subsequently symptoms of paralysis, congestion of the lungs, purulent expectoration, shortness of breath, general and total atrophy, &c.; that his knowledge of the foregoing is from a vivid recollection of this remarkable case, written memoranda, and a re-examination on two or three occasions subsequent to his discharge from service.

Charles G. Vosburgh, lieutenant of Company B, Thirty-seventh New York Volunteers, testifies that the soldier had the knapsack torn from his back by a cannon ball, and was rendered helpless, and that affiant saw him carried from the field.

Dr. W. J. Welch testifies that he knew the soldier for fourteen years prior to his death; frequently heard him complain of trouble in the back and extremities; prescribed for him about 1869, and to the best of his recollection, three or four times each year to his death. The first examination, made in 1869, discovered in the left lumbar region, where soldier was struck by a partially spent cannon ball, loss of muscular rotundity, with atrophy. The same physical changes extended with accompanying weakness and loss of muscular force to the lower extremities, so that he found great difficulty to support the body for any length of time, frequently having to abandon his business for days in consequence of his disability. Examinations made each year found the physical changes progressing, and finally discovered degeneration of the liver and kidneys of a fatty character. The immediate cause of death was fatty degeneration of liver and kidneys, superinduced in the wasting and feeble muscular and nervous changes, as above described. Attended the soldier at different times for twelve years for complaints of the kidneys, and more especially the liver; that the

soldier at different times called his attention to an injury of the back received when he was in the Army; that he, affiant, discovered evidences of the injury, and was convinced that it had and was injuring his health, such as loss of muscular power in the lower extremities (atrophy), and also of the muscles of the back. That soldier had an enlarged liver, which presumably had, and was undergoing fatty degeneration. That while in this delicate state of health, and about six days before his death, he had a chill and developed pneumonia, which was the cause of his death. In the opinion of affiant his last illness would not have proved fatal were it not for his pre-existing maladies.

John Boyle testifies that he knew the soldier for twenty-six years, and he was, after his discharge from the Army, debilitated from the effects of the injury he received in the service, and not able to do any bodily work.

There is no doubt from the evidence of the physicians, who were skillful and reliable practitioners, that this man's disability was serious and progressive. The injury was of that character that his system was constantly weakening, as is shown by the purulent expectoration and shortness of breath, indicating plainly that the lungs and respiratory organs were involved, and that in that condition he was susceptible to chills, and consequently pneumonia.

That his death is referable to his original disability your committee have no doubt, and in their opinion the widow should receive a pension. They therefore recommend the passage of the bill.

C

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1526.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5086.]

The Committee on Pensions, to whom was referred the bill (H. R. 5086) granting a pension to Elizabeth W. Creighton, have examined the same, and report, recommending indefinite postponement of bill.

The minority, by Mr. BLAIR, recommend its passage, in conformity with the custom in like cases. (See House report.)

[House Report No. 2196, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5086) for the relief of Elizabeth W. Creighton, having examined the same, beg leave to make the following report:

That the applicant, Mrs. Elizabeth W. Creighton, is the widow of J. Blakely Creighton, late a rear-admiral in the service of the United States; that she is now receiving a pension of $30 per month, in accordance with law, and she asks that her pension be increased to $50, the sum given by special act, in many cases, to widows of general officers.

As the committee have recommended an increase in other cases of this character, they feel justified in recommending the passage of the accompanying bill. Mrs. Creighton is in straitened circumstances, and has to depend in part upon the charity of friends for support.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1527.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6775.]

The Committee on Pensions, to whom was referred the bill (H. R. 6775) granting a pension to Edward E. Wilcox, have examined the same, and report, recommending its passage.

The rule is well settled now to give pension in cases like this. (See House report below.)

[House Report No. 1923, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6775) for the relief of Edward Wilcox, submit the following report:

Edward Wilcox is the orphan imbecile son of Leonard Wilcox, late of Company A, Twenty-first Regiment Connecticut Volunteers, who died at Falmouth, Va., December 16, 1862; the mother of Edward having died prior to the enlistment of the father, or on June 16, 1859. Edward Wilcox was born March 11, 1858, an idiot, and is now twenty-six years of age.

After the death of his father he drew a pension as minor child until he was sixteen years of age, when, under the law, his pension ceased. He has lived with an uncle and aunt, who have done what they could for him, which at best was not much, as they themselves were very poor, being often helped, as the records of the town of Stonington, Conn., frequently show, by its authorities, in the matter of food and supplies. The uncle is now dead, and the poor unfortunate is left in the keeping of the aunt, who is poor in purse and feeble in health, and is scarcely able to maintain herself except by assistance above quoted. Herewith is appended the sworn affidavit of Dr. E. Frank Coats, of Mystic Bridge, Conn., viz:

"That he has known Edward Wilcox, of Mystic Bridge, Conn., only son and child of Leonard Wilcox, since the time of his birth, March 11, 1858, and that he is now and always has been an idiot, incapable of taking care of himself, and is wholly dependent upon an aunt who is feeble and dependent upon her own hands for support. His mother died of hemorrhage of the lungs in 1859, and his father died in the Army of the late war in the service of his country. I have been physician to the family ever since the birth of the said unfortunate child."

Inasmuch as Congress has power to grant the relief asked, and has in several like instances granted it to aid those who, like the beneficiary in this bill, are more helpless than a minor child, your committee are of opinion that the relief sought should be granted, and would therefore recommend the passage of the accompanying bill with an amendment striking out the words "twenty-five" in the eighth line, and substituting the word "eighteen" therefor, so it shall read, "a pension of eighteen dollars per month," &c.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1528.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5103.]

The Committee on Pensions, to whom was referred the bill (H. R. 5103) granting a pension to Joshua F. Justice, have examined the same, and report, recommending its passage.

[House Report No. 1811, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5103) granting a pension to J. F. Justice, submit the following report:

Joshua F. Justice was duly enlisted October 1, 1863, as a corporal in Company H, Second Regiment North Carolina Mounted Infantry, and discharged August 16, 1865.

The soldier has affidavit of Captain Levi Jones and others that he was a sound man at the time of enlistment. This is made satisfactory to the committee. He has the evidence of Capt. Levi Jones, and James N. Davis, and Dr. A. B. Sams, with that of comrades, which establishes that he was afflicted during his service in the back, kidneys, and hips, and was sent to hospital at Tazewell. The only ground of rejection was that he had not produced medical certificate. His doctor had forgotten his disease.

The committee think that this is a case justifying Congressional relief, and recommend the passage of the bill, with an amendment, inserting in line 4 the letter "H," and in line 5 strike out "third" and insert "second."

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1529.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4668.]

The Committee on Pensions, to whom was referred the bill (H. R. 4668) granting a pension to Nathaniel Pond, have examined the same, and report recommending its passage.

The facts are in House report.

Nathaniel Pond made application December 13, 1882, for a pension, claiming that he enlisted, April 14, 1814, in Captain Gray's company of Vermont militia, and served until May 20, 1814, when he was discharged. The claim was rejected by the Pension Office, for the reason, as that office states, that the records of that office show that claimant only served from April 12, 1814, to April 20, 1814, eight days. It appears from the records of the adjutant-general of Vermont that claimant served from April 12, 1814, to May 20, 1814, when he was discharged. The certificate of the adjutant-general of Vermont is as follows:

[State of Vermont, Adjutant and Inspector General's Office.]

MONTPELIER, *September* 16, *A. D.* 1882.

I hereby certify that Nathaniel Pond, jr., served as a private in Capt. James Gray, jr.'s, company, of Col. William B. Sumner's regiment of Vermont militia, from April 12, 1814, to May 20, 1814, as appears by the files and records of this office.

T. S. PECK,
Adjutant-General.

There is also a letter from that officer to claimant on the subject, which is as follows:

[State of Vermont, Adjutant and Inspector General's Office.]

MONTPELIER, *February* 19, *A. D.* 1883.

SIR: Please inform the Pension Department that there is now, or was a few years ago, in the Third Auditor's Office, Washington, a roll giving your service as I did. You do not need another certificate, yours being now on file.

Very respectfully,

T. S. PECK,
Adjutant-General.

NATHANIEL POND, Jr.

Your committee see no reason why the Pension Office should have reached the conclusion it did. It being conclusively established by the best evidence that Pond served not eight days, but a month and eight days, your committee have no hesitation in recommending that the bill do pass, with the following amendments:

Amend the title by adding the word "junior" to the name of Nathaniel Pond in the title of the bill, and also wherever it occurs in the body of the bill. Also to strike out the words "Arael Sheldon's" where they occur in line 6 of the bill, and insert the words "James Gray's." Also to insert the word "eight" before the word "dollars" in line 9 of the bill.

O

3TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1530.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

[r. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1587.]

The Committee on Pensions, to whom was referred the bill (H. R. 587) granting a pension to Elizabeth A. Randall, have examined the ame, and report, recommending its passage.

That the disallowance of a case like this should have occurred is a lemonstration of the serious imperfection of the present system of in-'estigation and decision now provided by law.

We append House report:

[House Report No. 2343, Forty-eighth Congress, second session.]

'he Committee on Invalid Pensions, to whom was referred the bill H. R. 1587, having considered the same, make the following report:

Mrs. Elizabeth A. Randall is the widow of Fernando Randall, who enlisted in Comany H, Seventh Vermont Volunteers, January 9, 1862; served as a sergeant until eptember 30, 1864. He was commissioned a first lieutenant October 12, 1864, and a aptain of Company G, September 12, 1865.

He continued in the service until he was honorably discharged, March 14, 1866. 'o question is made but that Captain Randall was a strong and healthy man before e entered the service. He was a good soldier and officer. He filed an application or a pension April 13, 1874, which was pending at the time of his death, March 22, 880. The application was renewed by his widow, the claimant, and was rejected y the Pension Office on the ground that the disease of which Captain Randall died heart disease) had not been satisfactorily shown to have originated during his Army ervice.

A large amount of testimony was filed in the Pension Office, which your committee ias carefully examined and considered, and the following facts seems to be estabshed beyond question:

(1) In October, 1862, the deceased had a severe attack of typhoid fever, for which ie was treated by Dr. E. Blanchard, the regimental surgeon, in the hospital at Carollton, La., as proved by the testimony of Dr. Blanchard and Captain Moseley and thers.

(2) He was again in hospital in November and December of the same year, at Penacola, Fla., suffering with congestion of the lungs, caused by exposure while on the 'oyage from New Orleans to Pensacola with his regiment. In his original declaration fr. Randall says that while on shipboard he was exposed to a heavy rain-storm, by 'hich the blanket and clothes he slept in were completely saturated, and as a result ie took a severe cold and had a relapse, bringing on an aggravated bronchial affecion, and he was obliged to remain in the hospital several weeks.

(3) Although the deceased rejoined his company and regiment, he suffered more r less thereafter, during his entire Army service, from asthma and bronchial irritaion, producing a severe cough, and especially when he took cold. Dr. Blanchard escribes his difficulty as "an asthmatic cough of a serious and distressing character," nd also testifies that after leaving the hospital at Pensacola, in the winter of 1862–'63, 'andall "suffered from malarial disease from time to time during my continuance 'ith the regiment." Captain Moseley also certifies that after Randall's sickness at 'ensacola at different times during the remainder of his service, he was sick; that he 'as a faithful soldier and officer and entitled to credit.

(4) Dr. E. W. Trueworthy, also regimental surgeon, certifies (February 8, 1884) that he was well acquainted with the deceased while in the service, from the latter part of 1865 until his discharge; in October, 1866, boarding with him at Brownsville, Tex., and "while there claimant was very sick with congestive fever and chills, and came very near dying. From what I learned from him of his sickness before I joined the regiment, and from his condition of health since that, I believe it is the result of disease contracted while in the service."

The foregoing facts are fully corroborated by Lieut. Allen Spaulding, Lieut. G. H. Kelley, Sergt. Peter Riley, and Privates L. W. Wilson and Andrew McKane.

Privates A. F. Ray and T. C. Curtis, both of Company H, Seventh Vermont Volunteers, testify to personal knowledge of Randall's sickness in the hospitals at Carrollton and Pensacola, and both state that he was never free from asthma and a cough during the remainder of his Army service.

Corporal H. E. Randall states that claimant while in the service was troubled with asthma so that he could not lie down; also a bronchial or throat trouble and a bad cough, which was at times very severe.

(5) As to the existence of disabilty after time of discharge to Captain Randall's death, Dr. C. S. Cahoon, a skillful practicing physician, now deceased, certified (June 12, 1874) that "he treated claimant when suffering from fever and ague, contracted while in the military service, at several different times," mostly between the spring of 1866 and that of 1867. He adds:

"I know him to have been a constant sufferer, since his discharge, from a broken constitution, the result of the above-mentioned disease."

Dr. J. W. Copeland (March 31, 1874) certifies that he attended upon and prescribed for Captain Randall from the spring of 1867 to the spring of 1874, and gives his condition as follows:

"He has been troubled with labored respiration, bronchitis, and a throat disorder, causing almost or quite constant cough, but much more severe during the cold season than the warm. The disease has been progressing in severity every winter, being so severe in the winter of 1871 and 1872 that by my advice he abstained from public speaking wholly, being entirely disabled from attending to his duties as clergyman, and health very poor all this winter to present date, not being able to do a day's work, I think, for over four months. I fully believe his throat and lung disease was contracted while in the Army, and have always so thought since I first knew about his disorders."

The claimant, Mrs. Randall, testifies, April 19, 1879, that her husband—

"Returned from the service broken down in health, suffering from bronchial or throat disease, having a constant cough; that at no time since his return has he been able to lie in bed unless bolstered up from one-fourth to one-half of a sitting posture in order to breathe; that he almost constantly has a rattling in his throat; that from date of his return, his disease has been developing and increasing, until about four years ago it became so had he was almost entirely unable to perform any manual labor; has worked only about eight months in four years, and at present is totally unable to do any work, &c."

Mrs. Randall's testimony is fully corroborated by that of her son, Charles H. Randall, B. F. Lincoln, Charles Folsom, George H. Blake, George W. Bridgman, H. F. Pillsbury, neighbors and acquaintances, and by a second affidavit of Dr. J. W. Copeland (March 25, 1881), and by affidavit of Dr. Charles M. Draper, who testifies (March 22, 1881), that he visited and prescribed for Captain Randall during his last sickness, March 18, 19, 20, 21, and 22, 1880; that he died March 22, 1880. Found him suffering with asthma and congestion of the lungs; knew Randall and had met him occasionally during the preceding year and had examined him. He was a large, heavy man, and had constant difficulty of breathing; do not think he could walk any distance without danger; seemed to be the worst case of asthma the affiant ever saw; thinks the immediate cause of death was congestion of the lungs and asthma, and that the heart had been so affected by malarial influences that he was liable to congestion of the lungs. In a subsequent affidavit (May 24, 1881), called for by the Pension Office, Dr. Draper certifies that Captain Randall died "of organic disease of the heart (dilatation) and disease of the lungs, induced by the said disease of the heart, terminating in asthma and disease of the lungs." At a medical examination Septemtember 2, 1874, Examining Surgeon Skinner certified that the deceased had a constant cough and an affection of the throat or bronchial tubes of a catarrhal character; that he had no asthma that day, but on exercise his respiration became labored, and that in damp weather Randall reported he had asthma badly. At another examination, April 19, 1876, the examining surgeon, Dr. Bullard, certified that Randall had catarrhal inflammation of the throat extending into the larger bronchial tubes. "Applicant states, and I have every reason to believe, that he has asthma." At a late examination by the same surgeon, May 29, 1876, a similar report of Randall's condition is given.

Probably the cause of the rejection of the claim by the Pension Office arises chiefly

from a report made by one Dr. J. C. Rutherford, examining surgeon, January 19, 1875, which is in the following words:

"I had this claimant under observation some two hours besides the time of examination, and am well satisfied his cough is put on for the occasion. I do not find the slightest abnormal condition of the lungs, and the bronchial difficulty is the result, in my opinion, of his efforts to get up a cough. The evidence of a fraud on his part is so plain that I give this opinion unqualifiedly."

Not satisfied with the above report, Dr. Rutherford, in a personal letter to the Commissioner of Pensions, suggests, if any further efforts are made to prosecute this claim, "that *particular* efforts be made to ascertain the facts in his case, as there are other evidences of fraud than my own examination."

It is apparent from the great weight of testimony in the case the other way, that Dr. Rutherford was woefully mistaken in his conclusions. Captain Randall could not feign or sham a fatal and incurable malady for years. His disease progressed gradually but surely from its inception in the Army in Louisiana and Florida to the time of his death. Indeed, Reviewer Tolbert Lauston, of the Pension Office (October 19, 1881), gives an excellent summary of the whole case to Dr. Hood, medical referee, as follows:

(191651. Fernando Randall, Vermont service.)

Dr. HOOD, *Medical Referee:*

Taking into consideration this man's physical history from enlistment to death, I am of the opinion *that he acquired malarial poisoning in the service*, and that the train of evils that followed was symptomatic of that one cause, viz, congestive chills, fever and ague, dyspepsia, &c. *I think the case is admissible* on that theory, *but not for bronchitis and asthma having a distinct origin in the service.* Please decide if I am right or wrong in this respect, or otherwise dispose of the case in its medical aspects.

Respectfully,

TOLBERT LAUSTON, *Reviewer.*

OCTOBER 19, 1881.

Dr. Hood, it seems, entertained a different opinion as to the asthma and bronchitis being traceable to the applicant's Army service, as appears by the following note found among the papers:

(191651. F. Randall.)

Judge WALKER:

Taking the medical evidence in this case, malarial poisoning is not shown from discharge, *but asthma and bronchial catarrh is.* Can the disease of lungs be taken on the testimony of Dr. Blanchard, surgeon of his regiment?

T. B. HOOD,
Medical Referee.

OCTOBER 20, 1881.

It will be seen that Reviewer Lauston thought the case was fully made out on the ground of malarial poisoning, but not on the ground of bronchitis and asthma, while Dr. Hood's opinion was exactly the reverse. Reflecting, however, on the subject three days, Dr. Hood again writes as follows:

(191651. F. Randall.)

Judge WALKER:

Even if claim is allowed for malaria, I am not willing to say he has been disabled in any degree since his discharge by the effect of same. The most prominent feature in the case is cough and asthma, and finally death from heart disease. *The heart disease was, in my judgment, of long standing and the cough and asthma were symptoms.* Unless asthma or lung disease can be admitted, claim should be rejected.

T. B. HOOD,
Medical Referee.

OCTOBER 24, 1881.

As a result of these two notes from the medical referee, Mrs. Randall's claim was rejected, as appears by the following note from the reviewer:

(191651. F. Randall.)

Rejected on the opinion of the medical referee that the cough and asthma were simply symptomatic of heart disease. There is no evidence that heart disease originated in the service, and the facts before us point to origin several years subsequent to discharge.

TOLBERT LAUSTON,
Reviewer.

OCTOBER 27, 1881.

Thus between two stools one of the most meritorious pension claims your committee has ever investigated fell to the ground. Reviewer Lauston was clear that Captain Randall acquired malarial poisoning in the service, and that the train of evils that followed to the time of his death were attributable thereto; while, on the other hand, Dr. Hood was satisfied that the asthma and bronchial catarrh were shown to exist from the time of his discharge. Dr. Hood further suggests that the most prominent feature in the case was cough and asthma, and finally death from heart disease of long standing, the cough and asthma being symptoms of heart disease. It is not impossible that both the reviewer and the medical referee are correct, so far as the one attributes the origin of Captain Randall's fatal malady to malarial poisoning contracted during his Army service, and the other to asthma and bronchial catarrh, the symptoms of long-standing heart disease, it being clearly shown beyond contradiction that these symptoms were frequently manifested after his confinement in hospital at Pensacola. A patient may suffer from malarial poisoning and heart disease at the same time, since there is nothing imcompatible in their existence together. Either or both might cause his death.

Your committee cannot resist the conclusion that a pension ought to have been granted in his life-time, and we can do no less now than to recommend the passage of the accompanying bill for the benefit of his indigent widow.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1531.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2457.]

The Committee on Pensions, to whom was referred the bill (H. R. 2457) granting a pension to Richard Dillon, have examined the same, and report, recommending passage of same. The disallowance of this case by the Pension Office is unreasonable and reprehensible. See House report for facts.

[House Report No. 1704, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2457) granting a pension to Richard Dillon, having considered the same, report as follows:

It appears from evidence on file in the Pension Office that claimant was a private in Company B, One hundred and first Regiment New York Volunteers; enlisted November 26, 1861; discharged May 18, 1863, and filed declaration for pension September 19, 1876, "alleging chronic bronchitis, near Hancock, Delaware County, New York, January 15, 1862."

The Pension Office rejected the claim on the ground "claimant unable to furnish medical proof showing any present disability is due to the service." There is also attached to the Pension Office "brief," showing rejection of the case, a letter headed Read, read "Post-office, Utica, N. Y., March 9, 1878," and signed C. H. Hopkins, P. M. From this it appears that Mr. Hopkins charged, or alleged he understood, that Mr. Dillon, the claimant, had bronchitis before he went into the Army, and alleging, too, that one of the witnesses of claimant was a family relation of claimant, and that he would be pleased if claimant got a pension.

The case shows that Postmaster Hopkins had no personal knowledge of Dillon's condition before enlistment, but only stated what he had heard one Jameson, a letter-carrier, say. It also appears, upon Jameson being examined on the subject, that he had no personal knowledge, and had only repeated something he had heard, and couldn't remember who told him.

Michael Conner and Thomas Runter both testify that they knew claimant before his enlistment; that he was a strong, healthy, and able-bodied man; that he was free from bronchitis or any disease at enlistment.

O. F. Plumb, lieutenant of claimant's company, testifies that in the winter of 1862, at Hancock, N. Y., claimant took a severe cold on guard duty, resulting in bronchitis.

David B. Slyck, M. D., assistant surgeon One hundred and twenty-first New York Regiment Volunteers, testifies:

"He examined claimant when he enlisted; that he was sound and healthy; that in January, 1862, at Hancock, he saw him; he was ill from bronchitis, caused by exposure in line of duty; that affiant treated him for bronchitis until March, 1862; that claimant was afterward discharged on account of disability, as deponent was informed."

Surgeon-General's report shows that claimant was discharged by reason of general debility, and was aged fifty-four years.

The examining surgeon of the Pension Office at Oneida, N. Y., August 23, 1877, who examined the claimant, says: "In my opinion disease did originate in service; disability permanent."

The claimant swears he was well, and never had bronchitis before entering service; that he contracted it as above stated, and has always suffered since. Your committee are of opinion that the evidence shows that claimant was sound at enlistment; that he contracted bronchitis in the service, and that it continues, and that disabilty is permanent.

Your committee therefore report favorably, and recommend the passage of the bill granting a pension to Richard Dillon.

TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1532.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Ir. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3340.]

The Committee on Pensions, to whom was referred the bill (H. R. 40) granting a pension to James M. Pike, have examined the same, d report recommending the passage thereof.

House report shows conflicting testimony, but the soldier is entitled benefit of doubts.

[House Report No. 1175, Forty-eighth Congress, first session.]

e *Committee on Invalid Pensions, to whom was referred the bill (H. R. 3340) granting a pension to James M. Pike, having considered the same, make the following report:*

The petitioner's case rests wholly upon the affidavits of himself, the captain of the mpany in which he served, and that of neighbors and employers. He is unable to ocure the affidavits of the regimental surgeons or of the physician who treated him ace his discharge, as it is alleged that they are dead. Furthermore, the examining rgeons, who have considered his case, declare that no disability exists. Notwithanding all this, there seems to be sufficient evidence adduced to warrant a favora- e conclusion, for it is not at all impossible, your committee think, for such a combina- on of circumstances and events to exist as would render it difficult for the petitioner obtain the professional evidence that would make his claim clear without a doubt.

His own affidavit shows that he enlisted on the 4th of September, 1861, as second rporal in Company C of the Fifth Regiment of Vermont Volunteers, and that he as discharged at the defenses of Washington, D. C., June 29, 1865. He claims that contracted heart disease and chronic diarrhea before Richmond, Va., and that his sabilities were caused by improper diet and exposure in or about the month of Feb- ary, 1863; also, that while going home on furlough, on the Pennsylvania Railroad, tween Philadelphia and New Jersey, the train collided with another, and that he ceived a severe injury to his head.

Capt. F. H. Burney, of Company C, testifies that in the Chickahominy swamp, rginia, the soldier contracted chronic diarrhea, which reduced him so as to be unfit r duty. He was treated by regimental surgeon, but got no relief. He was also oubled with heart disease, and was sent to general hospital for treatment. Bad ater and constant exposure are supposed to be the causes. He was at the time do- g duty as a common soldier in the Chickahominy swamp, and he was afflicted with id diseases when discharged.

From all appearances the soldier was in sound health when he enlisted. Affiant as in command of the company when these disabilities were incurred; knows from rsonal knowledge of the fact from appeals for help and complaints constantly made his sufferings.

Richard Grant, of Berlin, N. Y., has known petitioner for thirteen years. In 1870 nd 1871 he worked on a wood job near his house, and saw him two or three times a eek; knows he was afflicted with the diseases complained of, and an injury to the ead; that he would frequently have to leave his work, and was so bad that he staid t his house frequently, not being able to go home, a distance of 2½ miles. In 1880 nd 1881 he obtained a position as foreman over a section gang on the railroad; worked ith him, and knows that at times he had to abandon his work, at one time being way for two *months.*

Henry H. Hill testifies to Pike's being free from disabilities prior to enlist was an able-bodied man. He worked for me, chopping wood, when he compla the diseases mentioned. This was after he came from the Army. The attack disease were frequent and severe; was not able to do more than a third of work, and I employed him more out of sympathy than for the value of the labo because he had a large family and was poor.

John C. Whitman and John G. Stevens testify to substantially the same s facts, which it seems unnecessary to detail.

It is quite apparent to your committee that this man did contract the disea tioned in the Chickahominy swamp, in the service and in the line of duty, and disabilities seem to be severe and incurable, and as he is rendered thereby inc of earning enough to maintain himself, that it is proper he should have a pensio therefore advise that the bill for his relief be passed.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1533.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7863.]

The Committee on Pensions, to whom was referred the bill (H. R. 7863) granting a pension to Thomas M. McChesney, have examined the same, and report:

The facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 2625), as follows:

The claimant in this case volunteered in Company M, Ninth New Jersey Regiment, in March, 1862, with Captain Grover captain of said company, and accompanied said regiment to New Berne, N. C., soon after his enlistment, and served through the entire war as a scout, and rendered valuable services to the Government in many other ways. He was a practicing physician at the time of his enlistment, and many times during his term of service, from March, 1862, to May, 1865, acted as assistant surgeon of his regiment and as hospital steward and nurse in the hospitals. Captain Grover testifies that Dr. McChesney "was all through the war; served as a scout, and was badly wounded; he fought nobly, and deserves the recognition of his Government." He also says he was brought home on crutches in August, 1865, and owing to said wounds has been incapacitated to perform manual labor at any time since his discharge.

The claimant in his statement alleges he received his wounds in the following manner: That an attack was made on the Federal forces at New Berne, N. C., by General Pickens, and that his horse was struck by a piece of shell, and threw him and fell on him, dislocating his wrist, and producing a hernia on the left side, and also injuring his spine, from which injuries he has never recovered, and is now, and has been totally unable to perform manual labor since the war.

Dr. Memminger, medical director of the district of New Berne, N. C., during the time the claimant was there in service, writes that it gives him pleasure to state that Dr. McChesney was in the employ of the Government as a scout, &c., in and around New Berne, and other points where ordered to go by the different generals in command of that district, and that he was a patriotic man, whose devotion to his country led him to the Army, and where he did valuable service as a scout.

The surgeon of the Ninth New Jersey, Dr. Gillett, and members of the regiment, all corroborate the foregoing statements, and all testify to the valuable services of the claimant. This case was never presented to the Pension Office, for the reason that this claimant was never regularly mustered, and therefore it was certain to be rejected under the law; but your committee are of the opinion that the valuable service rendered entitles him to a pension as a just recognition for such service and as a partial compensation for his injuries, and they therefore recommend the passage of the accompanying bill, with the following amendments: Strike out all after the word "pensioners," in the fifth line, and insert the words "subject to the provisions and limitations of the pension laws, as though he had been regularly mustered into the service as an enlisted man in Company M, Ninth New Jersey Volunteers." Strike out the preamble.

In view of all the facts, your committee recommend the passage of the bill.

O

8TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1534.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6904.]

The Committee on Pensions, to whom was referred the bill (H. R. 6904) for the relief of John F. Chase, have examined the same, and report:

The facts in this case are stated in the report of the House Committee on Invalid Pensions (House Report No. 1878), as follows:

The petitioner was mustered into the service of the United States on May 17, 1861, and discharged July 12, 1861. His service was that of a private in Company B, Eighteenth Regiment New York Volunteers. Declaration for pension made March 20, 1879, and the basis of the claim is as follows:

"At Jersey City, N. J., about May 10, 1861, was ruptured in the right groin, caused by removing baggage from steamer to railroad, under orders of his captain."

In another declaration, made November 18, 1879, he says that about May 15, 1861, in lifting a large trunk slipped and fell, causing a severe rupture.

Claim was rejected on the ground of claimant's inability to show the incurrence of rupture of the right side in the service and the line of duty.

Certificate of disability for discharge shows that claimant was discharged on the 12th day of July, 1861, at Washington, D. C., because of scrotal hernia of the right side, caused by extra exertion on the 19th June, 1861. Certificate is signed by W. A. Jackson, colonel commanding the Eighteenth Regiment, New York Volunteers, and is approved by A. N. McLaren, surgeon United States Army and medical director.

Claimant, in his affidavit filed May 4, 1881, says that while at Jersey City *en route* for Washington, was injured in the following manner: He was ordered by an officer of his company to lift a large, heavy trunk from the barge to the dock; at that moment a steamer commenced moving off, causing the barge to rock, and throwing him off his balance; felt a severe strain in his right side as of something giving way, and he let the trunk fall and fell forward on its corner, injuring himself just above the right groin. When the regiment arrived at Meridian Hill, District of Columbia, he called on Surgeon Van Ingen, who examined him and pronounced it scrotal hernia. The surgeon told him, as the regiment was about to move, that he could go to hospital or be discharged, and he accepted the latter. After discharge he returned to his home, and in a few days called on Dr. Chambers, who advised him what kind of a truss to get. Dr. Chambers has since died. Claimant also swears that he has been unable to procure the testimony of an officer of his regiment as to incurrence of injury, for the reason that the colonel and surgeon are dead. Other officers he has been unable to find, and others do not remember circumstances.

Abram D. Fox and Charles C. Philips testify that they were boys with claimant, and frequently went in bathing, and know claimant was sound at enlistment. In addition to the above, Fox testifies that he saw claimant about a week after his discharge; he was then weak and emaciated, and complained of pain in his groin, and in walking put his hand on his bowels on his right side, and walked in a stooping position; was not able to perform any labor for five or six months, and afterwards but very light labor.

Robert B. Whitlock says he and claimant were drafted into the service during the year 1863, and were examined at Schenectady, N. Y., and affiant was present when claimant was rejected on the ground of being ruptured. Claimant then stated that he was ruptured while in the service of the Government.

The claimant is unable to furnish any affidavits of officers or comrades, which is, of course, unfortunate; but his own affidavit bears upon it the impress of truth, and his reputation is good in the community in which he lives. His prior soundness is supported by testimony of those who always knew him, and his debilitated condition immediately after his return from the Army are facts indicating disability received while in the service.

The committee think him entitled to a pension, and recommend the passage of the bill.

Your committee recommend the passage of the bill without amendment.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1535.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5146.]

The Committee on Pensions, to whom was referred the bill (H. R. 5146) granting a pension to Jesse C. Buck, have examined the same, and report:

The facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 933), as follows:

Jesse C. Buck enlisted as a private in the One hundred and fifty-second Regiment (Third Artillery) Pennsylvania Volunteers, February 29, 1864, and was honorably discharged July 5, 1865, and filed his declaration for pension November 27, 1868.

That in July, 1864, while stationed at Fortress Monroe, Virginia, as an unassigned recruit, he was injured by a blow on his left leg from the toe of his comrade's boot while marching at a double quick; that the rest of the company passed over him, and he was severely injured. The fact is fully established by four of his comrades, who also testified to his being sound before his enlistment and free from all lameness; also to the fact of his being lame and entirely disabled since the time of his injury.

The medical testimony is to the same effect. The doctors show that the injured limb is shorter and smaller than the other; that the injury to the tendon of the muscle has caused atrophy of the said lower left leg, severe pain, and a permanent lameness. He must use a crutch and cane in order to move.

Against all this is the certificate of the examining surgeons, who say:

"The man is now in good general health with the exception of extreme obesity—16 pounds—now really a disease, which he claims is a sequence of his enforced inactivity. That this statement and conclusions are not true and legitimate we are not prepared to assert. He claims his Army weight was 160 pounds."

They find all the signs of an injury claimed by the soldier; find him wholly unfitted for any manual labor, and rate him at three-fourths. The committee find that he has properly and satisfactorily accounted for his inability to furnish any other kind of proof of his injury; that the proof by his comrades and physicians must be accepted as fully establishing his claim. The committee agree that he should be allowed a pension, and recommend the passage of the accompanying bill with the following amendment: Strike out in lines 8 and 9 the words "at the rate of eight dollars per month."

Your committee recommend the passage of the bill without amendment.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1536.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8152.]

The Committee on Pensions, to whom was referred the bill (H. R. 8152) for the relief of William D. Farnsworth, have examined the same, and report:

The ground upon which the relief in this case is asked is stated in the report of the House Committee on Invalid Pensions (House Report No. 2565), as follows:

That the claimant, William D. Farnsworth, is the dependent father of Edward Farnsworth, formerly of Company E, Twentieth Indiana Volunteers, who died on the 8th day of July, 1862, of wounds received at the battle of Fair Oaks. An act passed the Forty-seventh Congress granting a pension to Almira Farnsworth, the dependent mother of the said soldier, and was approved May 23, 1882. She died, however, on the 6th day of June following, never having received her pension certificate. The claimant is now eighty-three years of age and very poor.

Your committee think that the pension granted to the dependent mother, but never received by her, should go to the dependent father, and therefore recommend the passage of the accompanying bill.

Your committee recommend the passage of the bill without amendment.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1537

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7993.]

The Committee on Pensions, to whom was referred the bill (H. R. 7993) granting a pension to William Stansberry, have examined the same, and report:

The facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 2552), as follows:

This soldier enlisted in Company A, Third West Virginia Cavalry, when a mere boy, being now only about forty years of age, and was mustered out at the close of the war with the regiment.

It is in evidence that his physical health at enlistment was strong and vigorous—this testimony is from his neighbors and companions—never having had any medical attendance prior to his entering the service. Testimony from the same source, and, in fact, from the same persons, relates his condition at date of his return home after discharge, all agreeing to the one fact alleged in his application for pension, that he was afflicted with muscular rheumatism to such an extent that he was able to perform little if any manual labor, and that his condition is growing worse each year, until now he has nearly or quite lost the use of one arm and one leg.

The examining surgeon rates his disability total and permanent, and says he is completely prostrated physically.

The facts set forth are fully sustained by lay testimony of his lieutenant and other Army comrades, who also state that he had rheumatism while in the service, and say they believe he contracted it on a march in very cold and inclement weather, but that he was never treated while in the service for rheumatism or any other disease.

The Pension Office rejected the claim for the reason that there was no medical evidence of incurrence of disability while in the service, and the further fact that it was alleged by two witnesses that he had trouble with his breast before the date of enlistment, which, if true, should not have been taken into account by the examiner who had the claim.

The facts are that this soldier was a young man, a mere boy, at date of enlistment; that he was a good soldier; that his officers and comrades all give him a good name; that his afflictions entirely prevent his performing any manual labor, and the further fact that all of the above allegations are undisputed.

Your committee are of the opinion that the claim is a meritorious one, and therefore recommend the passage of the accompanying bill.

Your committee recommend the passage of the bill without amendment.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1538.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7992.]

The Committee on Pensions, to whom was referred the bill (H. R. 7992) for the relief of Christian Arndt, have examined the same, and report:

That the facts are set forth in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 2524), as follows:

This soldier enlisted in Company H, Ninth Minnesota Volunteers, August, 15, 1862, and was discharged from said organization May 26, 1863, on surgeon's certificate of disability.

The cause assigned for discharge was a knife wound in hand, inflicted while at home on furlough. He alleges in his declaration for pension, filed October 31, 1882, that while in the service, viz, in November and December, 1862, and January, 1863, he had or did contract a disease of liver and lungs from exposure while in the service and line of duty at Glencoe, in the State of Minnesota, and was treated at that place by Drs. McWright and Potts, who were surgeons regularly mustered into the service of the United States, and were stationed at that place. Both of these men are dead, as is disclosed by the evidence in the case. The Pension Office rejected the claim, for the reason that there was no medical testimony showing treatment while in the service, or of the contracting of the diseases alleged while in the service.

The evidence in the case is from gentlemen who were his neighbors before enlistment, who were comrades in the Army, and are and have been his near neighbors ever since he left the service, who swear positively to the soldier's strong and vigorous constitution prior to his enlistment; that he was sick at Glencoe, Minn., as he claims in his application; that he was treated there by the surgeons named by him, Drs. McWright and Potts, and that he came back to his home with impaired health, and has been in such condition all of the time since discharge. The reputation of the claimant and the witnesses is unimpeached, and the only objection to the case is the lack of medical testimony of the attending physicans, which is not obtainable for reasons already stated.

The record of the soldier and his witnesses as soldiers and citizens are first-class, and all the circumstances surrounding the case fully warrant the belief that the statements of claimant and witnesses are true, and so thinking, your committee are of the opinion the relief prayed for should be granted, and recommend that the bill do pass.

Your committee recommend the passage of the bill without amendment.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1539.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 6960.]

The Committee on Pensions, to whom was referred the bill (H. R. 6960) for the relief of Charles L. Alden, have examined the same, and report:

The facts upon which the relief is asked in this case are set forth in the report of the House Committee on Invalid Pensions (House Report No. 2521), as follows:

This soldier enlisted as a private in Company C, Second Minnesota Volunteers, on the 26th day of October, 1861, and was honorably discharged after his three years' service, October 26, 1864. He served with his regiment continuously from date of enlistment until he was wounded at Chickamauga, Tenn., late on the Sunday afternoon of that battle. From the wound then received in his right knee he receives a pension of $8 per month.

Through the loss or partial loss of the use of that knee-joint he has further suffered the total loss of the sight of both eyes from the kick of a horse. He was driving his team January 23, 1875 (when his horse was sharp-shod), and because of the nature of the ground (which was a side-hill road), he was on the off side of the team. He approached to start them up, when the off horse kicked at him. He distinctly saw his danger, and attempted to avert it in every way possible, but owing to his physical infirmities he was unable to escape, and received a severe kick, which struck him on the frontal bone over the eyes, and laying bare the brain, entirely destroying the optic nerve, and consequently occasioning total loss of both eyes.

The evidence of two physicians is on file who swear to attendance and treatment on the day the accident occurred, who narrate the facts set forth above.

Petitions from neighbors, friends, and posts of the Grand Army of the Republic are on file praying for the passage of this bill, and your committee are of opinion that the case is a meritorious one, and being of such a peculiar character, deem it proper that a specific sum should be stated, which, in the opinion of your committee, is commensurate with his present disabilities; and therefore recommend that the bill be amended by striking out all after the word "at" in the fifth line, and inserting in lieu thereof the words "the rate of thirty dollars per month," and that as so amended the bill do pass.

Your committee recommend the passage of the bill without amendment.

)ONGRESS, } SENATE. { REPORT
Session. } { No. 1540.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

ITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1982.]

ommittee on Pensions, to whom was referred the bill (H. R. 1982) iting a pension to Benjamin Jeffries, have examined the same, and rt:

t it appears by the letter of the Commissioner of Pensions, dated ary 18, 1885, transmitting the papers in this case, that this claim- as pensioned under the general law on the 29th of January, 1885, ability from alleged piles, the result of chronic diarrhea, at $4 onth from June 29, 1865, the date of his discharge.

present bill only proposes to put the soldier on the pension-roll, is having already been done, your committee report the bill, and mend that it be indefinitely postponed.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1540.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1982.]

The Committee on Pensions, to whom was referred the bill (H. R. 1982) granting a pension to Benjamin Jeffries, have examined the same, and report:

That it appears by the letter of the Commissioner of Pensions, dated February 18, 1885, transmitting the papers in this case, that this claimant was pensioned under the general law on the 29th of January, 1885, for disability from alleged piles, the result of chronic diarrhea, at $4 per month from June 29, 1865, the date of his discharge.

The present bill only proposes to put the soldier on the pension-roll, and this having already been done, your committee report the bill, and recommend that it be indefinitely postponed.

O

TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1542.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

- WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8142.]

: *Committee on Pensions, to whom was referred the bill (H. R. 8142) ranting a pension to Mrs. Lucy Parr, has examined the same, and reorts:*

hat the Committee on Invalid Pensions of the House of Represent-'es reported this case as follows, viz:

Committee on Invalid Pensions, to whom was referred the bill (H. R. 8142) granting a pension to Mrs. Lucy Parr, having considered the same, report as follows:

he claimant, Lucy Parr, is the widow of Samuel B. Parr, late of Company I, Fourth iment Iowa Volunteer Infantry. He enlisted August 2, 1861, and was discharged e 22, 1865. He died September 20, 1876, of "general disability and worn-out con-ution." He filed his application for pension August 17, 1866, which was allowed in the sum of $6 per month for "ophthalmia of both eyes and opacity of cornea ight eye." This claim was rejected by the Pension Office on the ground that the ier died from general disability and worn-out constitution, which were not due is military service, and others than the cause for which the soldier was originally ioned.

he testimony in this case shows without contradiction, and which is supported by record, that the soldier while in the line of duty, and without any fault on his , at or near Rolla, in the State of Missouri, was attacked with measles and was for about a month; that as a result the measles settled on his lungs, from which t once began to complain, and gradually grew worse in that respect up to the he died. Comrades who served with him and who have been his neighbors since ify that they were well acquainted with him before enlistment, were with him in service, and knew him intimately since he came out of the service until he died; he was a hale and healthy man when he enlisted, and for years prior thereto, free from any trace of disease.

r the records of the Surgeon-General's Office it is shown that the soldier was ad-ed to Webster general hospital at Memphis, Tenn., October 10, 1863, with fever; furloughed November 22, 1863; was admitted to general field hospital, Fifteenth y Corps, at Goldsborough, N. C., March 29, 1865, with ophthalmia; his disposi-not stated. He entered the general hospital at New Berne, N. C., April 13, 1865. valescent from miasmatic disease and was transferred April 9, 1865. He entered ral hospital at Troy, N. Y., April 24, 1865, and was discharged from the service e 22, 1865. By the regimental hospital records of the Fourth Iowa Volunteers he own to have been treated for diarrhea and ophthalmia.

he almost continued illness of the soldier from the time he entered the hospitals he latter part of his service until his death, and the continuance of the disabilities he labored under, would seem to your committee to point conclusively to the that his death was occasioned by disabilities incurred in the service. It is well wn that measles were quite fatal to our troops in the field, and that, as shown in case, it was a common thing that a sequel resulted in the way of lung disease,

terminating often in consumption. There are still two minor children, Maggie E. Parr, born November 7, 1870, and Claudius P. Parr, born October 14, 1874, together with one other daughter now just past sixteen years of age, all the offspring of the marriage of claimant with the diseased soldier.

Your committee have no hesitation in recommending this case favorably, and therefore report the bill back with the recommendation that it do pass.

Your committee concurs in this report and recommends the passage of the bill.

C

H CONGRESS, } SENATE. { REPORT
2d Session. } { No. 1543.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

r. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5304.]

he Committee on Pensions, to whom was referred the bill (H. R. 5304) for the relief of Mary Royal, has examined the same, and reports:

That the committee adopts the statement of this case made by the ommittee on Invalid Pensions of the House of Representatives to that ody, and which is here given as follows, viz:

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 5304) granting a pension to Mary Royal, having considered the evidence in the case, report:

That Mary Royal is the widow of William Royal, who enlisted in the military service the United States as a private in Company I, Fifty-ninth Regiment Indiana Volun-rs, June 27, 1862, and was honorably discharged July 17, 1865.

uly 1, 1870, husband of claimant was pensioned for gunshot wound in left hip, re-ved at the siege of Vicksburg, Miss., May 22, 1863, and was so borne on the pen-n-roll up to the time of his death, which occurred August 21, 1879, from dropsy of bowels.

The application of Mary Royal, as widow of the said William Royal, for pension was ected by the medical referee of the Pension Office May 14, 1883, on the ground that death of the soldier was not due to his military service.

Dr. N. C. Burge, of Greene County, Indiana, testifies, October 1, 1880:

"That he was the family physician of William Royal from December 25, 1878, up the time of his death. The soldier during this time was suffering from gunshot und of left hip and with dropsy of the bowels, and continued to suffer with the ne until death. It is his opinion that said wound caused dropsy of the bowels, of ich he died. The soldier was confined to his bed most of the time he was treating n."

Dr. John M. Hanah, Greene County, Indiana, testifies September 11, 1880—

"That he attended William Royal in his last illness, and that he died August 21, 79, and that his death was caused by gunshot wound of left hip; was his family ysician from October, 1871, to the date of his death; that soldier was suffering from nshot wound, and the ball was in his body, having entered the left hip, and having used a condition which resulted in dropsy; soldier was gradually going down for e last two years of his life; the soldier had the ball in his body at the time of his ath, and believes death was caused by the gunshot wound by keeping up a con-ant irritation of the system as shown by constantly recurring boils and so exhaust-g the system that general dropsy or anasarca supervened."

The condition of the wound and its resulting causes is shown by the report of the nsion examining surgeon, December 13, 1875, who says:

"'A ball struck him in the left hip about 5 inches back of the left hip-joint, and nging backward about 3 inches, lodged against or in the left side of the lumber rtebra, where it yet remains. It produces lameness and weakens his hip. When takes cold it is very painful. I also find he has tenderness in the left kidney."

We have examined the evidence in this case, and find that the medical evidence tablishes the claim of his widow to a pension, and therefore recommend the pas-ge of the accompanying bill.

The bill is herewith reported to the Senate, with a recommendation at it do pass.

'H CONGRESS, 2d Session. } SENATE. { REPORT No. 1544.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

:. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7170.]

e Committee on Pensions, to whom was referred the bill (H. R. 7170) r the relief of Frederick Hutten, has examined the same, and reports:

That an examination of the records and proofs in this case sustains s report of the Committee on Invalid Pensions of the House of Rep- entatives, which is here quoted as follows, viz:

e Committee on Invalid Pensions, to whom was referred the bill (H. R. 7170) granting a pension to Frederick Hutten, respectfully report:

That Frederick Hutten was drafted into the military service of the United States arch 7, 1865, and assigned to Company K, Thirteenth Indiana Volunteers, and hon- ably discharged on surgeon's certificate of disability July 20, 1865. July 17, 1869, filed a declaration for pension, alleging rupture of the right side, incurred June 1, 35, while in line of duty, which was rejected on the ground that the disability ex- ed at the time of entering the service of the United States. Dr. P. N. Payne testi- s, January 4, 1880, that he was the family physician of claimant prior to his enlist- nt into the military service of the United States; that he was then a sound, able- died man, free from any disease or disability; that he treated claimant during an ack of fever in 1864, from which he recovered and continued to enjoy good health to the time of his enlistment.

The testimony of neighbors and intimate acquaintances of the soldier corroborate evidence of Dr. Payne as to the good health of claimant at the time of the enlist- nt.

Adolphus O. Mitchell, of Richmond, Wayne County, Indiana, testifies November 11, 2, that he was captain of claimant's company in the Army, and that about June 1865, at Raleigh, in the State of North Carolina, the soldier received a rupture of right side, caused from falling upon the ground whilst returning from drill at louble time"; that he knows these facts from duplicate papers in his possession d from seeing him in that condition.

John W. Nicholson, of Dubois County, Indiana, a comrade of the soldier, corrobo- tes the evidence of Captain Mitchell.

It is shown by the records of the Adjutant-General's Office that the soldier was ex- ined at the time of his enlistment by T. B. Harvey, surgeon of the board of enroll- ent of the sixth district of the State of Indiana.

The continuance of the claimant's disability is shown by the evidence.

Your committee find from the evidence in this case that the claimant was disabled the military service of the United States and in the line of duty, and that he is titled to a pension, and therefore recommend the passage of the accompanying bill.

Concurring in this report, the committee reports the bill to the Senate ith a recommendation that it do pass.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1545.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7334.]

The Committee on Pensions, to which was referred the bill (H. R. 7334) granting a pension to Judson Bostwick, has examined the same, and reports:

That this soldier is entitled to a pension. His case is not too strongly stated by the Committee on Invalid Pensions of the House of Representatives to that body, and which is here copied, as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7334) granting a pension to Judson Bostwick, have had the same under consideration, and beg leave to report:

Judson Bostwick, the claimant, enlisted September 11, 1861, and was discharged July 2, 1862. December 17, 1879, he filed a declaration for pension, which was rejected February 16, 1883, on the ground that there is no record of the alleged disabilities in the War Department, and of his inability to furnish medical evidence of prior soundness and medical evidence of disability at time of discharge.

He was a private in Company F, Fifth New York Cavalry, and contracted a severe cold by reason of exposure while on duty near Annapolis, Md., in December, 1861, which resulted in disease of the kidneys and lungs, a disease that still continues. His army record shows him absent on furlough, sick, in December, 1861. From January to April, 1862, he is reported sick. July 2, 1862, he was discharged on account of chronic rheumatic diseases, affecting hips and shoulders to such an extent as to deprive him of ability to labor in any capacity.

There is ample proof that claimant was sound at time of enlistment, and that he has been more or less disabled since discharge, by reason of lung and kidney troubles, the disabilities claimed for. The examining surgeon finds him one-half disabled.

The committee are of opinion that the disabilities shown to have been continuous since discharge are the result of the disability for which discharged, and which, according to the evidence, was contracted in the service, and therefore report favorably on the bill and ask that it do pass.

Concurring in the foregoing statement of this case, the committee reports the bill to the Senate with a recommendation that it do pass.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1546.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7728.]

The Committee on Pensions, to which was referred the bill (H. R. 7728) for the relief Pardon H. Morey, has examined the same, and reports:

That the record and proofs in this case support the report made to the House of Representatives by the Committee on Invalid Pensions of that body, and which is here copied, as follows, viz:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7728) for the relief of Parton H. Morey, having considered the same, make the following report:

The petitioner, Pardon H. Morey, enlisted in the Army of the United States August 13, 1862, as a private in the Seventh Company of the First Battalion of New York Sharpshooters, and was discharged June 3, 1865. He filed declaration for pension January 28, 1878, the basis of the claim being that on May 10, 1864, he received a wound in the left shoulder in the battle of the Wilderness, Virginia, by the bursting of a shell, which caused a dislocation of the shoulder joint and fractured the bone, and that he also received a rupture, or scrotal hernia, caused by lifting heavy logs at the battle in front of Petersburg, Va., in April, 1865.

For the first disability he was allowed a pension of $2 per month, but the claim for hernia was rejected on the ground of no record or competent evidence of origin or existence in service.

The claimant in his affidavit accounts for this discrepancy by saying that there was no surgeon or assistant surgeon assigned to the battalion to which he belonged; that the hospital steward furnished him with a sack or pouch to support the hernia; that he cannot procure the testimony of comrades who were present when he was hurt, for the reason that he was on detached duty in the Pioneer Corps, and his comrades were from different regiments, detailed for that special duty, which was rendered near Petersburg in getting out and carrying timber; that some of the timber fell across him, causing hernia; that after a few days his comrades returned to their regiments, and he has never seen them since, and does not know their names, and that he at once returned to his battalion; and that during the march prior to Lee's surrender he was twice carried in an ambulance, by order of Dr. Fenwick, division surgeon, but that he cannot ascertain his whereabouts.

Ample testimony is given to show claimant's soundness prior to enlistment, and two comrades testify as to his being detailed to the Pioneer Corps, and that the injury was caused by a stick of timber falling across him; that they saw the injured parts; that they were swollen and inflamed, and that they were present when the injury was received.

R. J. Curtiss, M. D., testifies that he was called upon soon after claimant's discharge and found him suffering with an inguinal hernia of the left side; that he fitted a truss for him, and that his disability has been partial, and at other times total.

The certificates of examining surgeon show that claimant suffers severely from hernia.

The committee think there is sufficient testimony with to show that the soldier's hernia was received in the service and the line of duty, and that he should receive the relief asked for, and recommend the passage of the bill with the following amendments: Strike

out all after the word "to" in line 4, and insert the words "allow to." Strike out the word "Parten" in line 5 and insert the word "Pardon," and after the word "York," in line 6, insert "late private, Seventh Company, First Battalion New York Sharpshooters," and add after "laws," in line 7, as follows, "a pension for single inguinal hernia in addition to that now received by him." Amend title so as to read "Pardon H. Morey" instead of "Parten H. Morey."

Concurring in this report, the committee herewith reports the bill to the Senate with the recommendation that it do pass.

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'TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1547.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

'r. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7047.]

e Committee on Pensions, to whom was referred the bill (H. R. 7047) granting a pension to Patrick Murphy, has examined the same, and reports:

That the record and proofs in the case establish, beyond reasonable ubt, that this soldier did contract disabilities in the military service the line of duty. It does reasonably appear that he entered the vice a sound man; that he was affected by disease in the service; t his eyes were affected by soreness when he returned home from the my; that they have continued to grow worse from that time to the sent; that his condition is such that he is more likely to grow worse n to tend towards recovery; that while this does not all appear from my and hospital records and professional testimony there is, nevers, enough of the latter to give efficient support to the abundant evidence presented to warrant the committee in saying that this dier is entitled to a pension.

The bill is accordingly reported to the Senate with a recommendation t it do pass.

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I CONGRESS, } SENATE. { REPORT
d Session. } { No. 1548.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

VILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 4556.]

Committee on Pensions, to whom was referred the bill (H. R. 4556) ating a pension to Joseph Williams, has examined the same, and re- s:

the Commissioner of Pensions, in his letter transmitting the pa- the case to the committee, says:

laim has been rejected on the ground that the records of the War Depart- il to show the existence of the alleged disabilities in the service, and the ap- declares his inability to furnish the parol evidence necessary to establish the service and line of duty.

reful examination of all the papers in the case fails to discover fficient reason for reviewing and reversing this action of the n Office. The soldier is doubtless suffering from present dis- , but the proofs do not make it appear that it arises from injuries ness contracted in the service and line of duty.

bill is therefore reported adversely, with a recommendation that ndefinitely postponed.

H CONGRESS, 2d Session. } SENATE. { REPORT No. 1549.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 552.]

e Committee on Pensions, to whom was referred the bill (H. R. 552) granting a pension to Lemuel J. Bennett, respectfully report:

'hat Lemuel J. Bennett served in the Mexican war in Company E, st Illinois Volunteers. He claimed pension on the ground that he tracted rheumatism, fever, and disease of bowels in that service. s claim has been rejected because he did not establish the origin of disability in the service to the satisfaction of the Pension Office. examination of the evidence, however, satisfies your committee that disability originated in the service, and that he is entitled to a pen-. We accordingly recommend that the bill do pass.

I CONGRESS, } SENATE. { REPORT
d Session. } { No. 1550.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8132.]

The Committee on Pensions, to whom was referred the bill (H. R. 2) to restore to the pension-roll the name of Rachel A. Queen, rectfully recommend the passage of the bill for the reasons stated in accompanying letter from the Commissioner of Pensions:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., May 1, 1884.

R: Under the joint resolution of Congress approved May 29, 1830, which provides meritorious cases for which there is no provision of the general law be transmit- to Congress, &c., I have the honor to forward herewith the papers in the case of hel A. Queen, sister of Jonathan Queen, late sergeant Company F, Fifth Cali- ia Volunteers, certificate No. 199226, to consider the propriety of restoring her e to the pension-roll.

ie story of the case is a brief one: It appears that the soldier and his sister were ian children, both parents having died in 1849. The sister is terribly deformed, has been a helpless invalid since she was six years of age, and the soldier pro- d for her until his enlistment in 1861, after which he sent money home from the for her maintenance, and when he was killed, in 1863, she drew his bounty and k pay, and was pensioned from July 25, 1863, the date of his death, until Decem- 21, 1864, when she became sixteen years of age, and the pension ceased under the visions of the general law.

is useless for me to enter into an extended argument to show that this is a proper for equitable relief through the medium of your honorable body, for it is appar- at once.

nder the joint resolution aforesaid, the Pension Office is permitted to administer ice in certain cases in which the strict rules of law work injustice. The subject- ter of section 4707 of the Revised Statutes is dependence, and this dependence is ned by certain rules, as for instance it is presumed that when children become six- n years of age they are no longer dependent, and a rule to that effect is embodied he law.

n this case, however, by reason of claimant's being a helpless cripple, and poor, endence did not cease at sixteen years of age, nor will it cease until her death, l it must be conclusively presumed that soldier would have provided for his sister ing her life-time, for this is one of the laws of humanity upon which the statute is based, and no other presumption is permissible, and inasmuch as the said sister incurred a great loss which is to be felt by her each day until her death, she uld be pensioned, and I therefore recommend that her name be restored to the l by special act of Congress, from December 22, 1864, the date when the pension sed, and submit the papers for your consideration, and also deem it proper to sug- t in this connection that an amendment to section 4707, to meet such cases, be ommended to Congress.

Very respectfully,

W. W. DUDLEY,
Commissioner.

Hon. C. C. MATSON,
Chairman Committee on Invalid Pensions, House of Representatives.

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and hearty; that he was claimant's family physician from 1864 to April, 1873, during which time soldier was totally unable to perform any kind of manual labor, suffering from rheumatism and other diseases.

Dr. J. H. Bentley testifies, March 31, 1882, that he was claimant's family physician for nine years prior to his enlistment, and that he was a sound, healthy man at enlistment, free from all symptoms of rheumatism of the heart, or angina pectoris, with which he has suffered since his military service.

This medical testimony is substantially corroborated by that of Dr. James H. Hall.

A number of witnesses, all near neighbors and intimate associates of claimant prior to his enlistment, testify to his good health prior to and at the time of his enlistment.

The United States examining board at Carbondale, Jackson County, Illinois, examined claimant May 3, 1882, and report his disability at one-half.

Your committee are of the opinion that the soldier was free from disease at the time of his enlistment, and that his present disability is due to his military service, and therefore recommend the passage of the accompanying bill.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1552.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5728.]

The Committee on Pensions, to whom was referred the bill (H. R. 5728) granting a pension to Anna Beck, having examined the same, report that the facts in this case are correctly stated in the report of the House Committee, and we therefore adopt the report and favorable recommendation of that committee as our report, as follows:

That Anna Beck is the widow of August Beck, who enlisted in the military service of the United States as a private in Company F, Seventh Regiment New York Volunteers, April 20, 1861, and was honorably discharged February 17, 1863.

May 10, 1865, the name of August Beck was placed on the pension-roll at the rate of $5 per month, on account of valvular disease and hypertrophy of the heart, contracted in the line of his duty in the military service of the United States. It is clearly shown by overwhelming testimony submitted to your committee that the disability of August Beck continued up to the 9th day of October, 1871, when he was burned to death in the great Chicago fire.

June 7, 1873, Anna Beck, as the widow of the deceased soldier, filed her application for pension, on account of the death of her husband, from disabilty incurred in the military service of the United States, which was rejected on the ground that the deceased soldier's death was not due to his military service.

Anna Beck (claimant) testifies that on Monday, October 9, 1871, she was residing with her husband, August Beck, in the house numbered 93, on Hurlbut street, north division, in the city of Chicago, Ill., and that at said time the fire known as the "great Chicago fire" was raging in that vicinity. That she and her husband occupied rooms on an upper floor of the house, while the lower portion was occupied by one Fridoline Myer, who was the owner of the premises. That on that day, and for sixty days prior thereto, her husband was sick in bed by heart disease, and was unable to get up and down without assistance, and was almost daily attended by his physician, one Christ. Fessel, who was an old man and is now dead. At the time above mentioned affiant was lame from a diseased leg, and was only able to move about by the aid of a crutch or cane, and continued so lame for several years until she had said leg amputated. As the fire spread and increased it became necessary for herself and husband to remove from the house in order to save themselves from being burned to death. By her assistance her husband was dressed and succeeded in getting down stairs, and proceeded but a few steps when her husband sank down upon the sidewalk, overcome. In a few moments the flames swept over that locality and, she believes, burned the body of her husband, who had fallen dead from the excitement attending the fire.

Fridoline Myer, the owner of the building occupied by claimant and her husband at the time of the Chicago fire, October 9, 1871, testifies that August Beck, known to to him as an invalid pensioner of the United States, and his wife, Anna Beck, the claimant, resided in his house at No. 93 Hurlbut street, north division, Chicago, Ill., previous to the fire of October 9, 1871, and up to that date; that August Beck was unable to leave his bed without assistance at the time of said fire; that the house he occupied and many adjoining houses were totally destroyed by said fire; that affiant occupied a part of the house at the same time of claimant and up to and at the time of the fire.

The utterly helpless condition of the deceased soldier at the time of the fire, from heart disease, and the destruction of the house in which he lived along with the other

buildings in that vicinity, are fully shown by a number of witnesses who resided in that vicinity, and while no one testifies to seeing him on that occasion, all agree that he has not been seen or heard of since that great calamity swept over Chicago.

We therefore think that we are justified by the evidence in the case in the conclusion that the excitement occasioned by the sea of flames at that hour sweeping over Chicago caused his death from heart disease which he had contracted in the military service of the United States, for which reason he was discharged from said service and pensioned by the Government, and that his body was burned, and that he may well be classed among the victims of that fire.

His widow has never remarried and is in indigent circumstances, and is a confirmed cripple, having lost a leg by amputation, and therefore disqualified from earning a subsistence by her own labor.

Your committee therefore recommend the passage of the accompanying bill, amended as follows:

Strike out all after "pension-roll" in line 6, and insert the following: "Subject to the provisions and limitations of the pension laws, from and after the passage of this act."

:H CONGRESS, } SENATE. { REPORT
2d Session. } { No. 1553.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

r. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7248.]

he Committee on Pensions, to whom was referred the bill (H. R. 7248) to increase the pension of Jane D. Brent, widow of Thomas L. Brent, having considered the same, respectfully report:

Capt. Thomas L. Brent graduated at West Point in 1835, and served ı the Army twenty-three years, until his death in 1858 from disease ɔntracted in the line of duty. He filled every office to which he was ssigned with fidelity and distinction. He served with acknowledged ·edit in the Florida and Mexican wars. At the battle of Buena Vista, y his wonderful exertions and great gallantry, he saved the Illinois and entucky regiments, and was promoted therefor.

His widow, upon the outbreak of the war with the seceding States, ft the comfortable home of her father, I. Ross Wilkins, judge of the ıited States court, and went into the hospitals without receiving or siring any compensation. She remained in this humane and patriotic ·vice during the war, and is remembered with gratitude by hundreds soldiers, many of whom attribute their lives to her motherly care. titions and letters are on file showing the great love and respect borne · Mrs. Brent by her former wards among the soldiers.

She is now sixty years of age, with one child, a daughter, living with r. By a series of misfortunes she is left without money or property d is dependent upon her pension for support.

In consideration of the necessities of Mrs. Brent, her extraordinary crifices and services, and the distinguished gallantry of her late husnd, your committee report the bill back to the Senate without amendent, and recommend that it do pass.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1554.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. CULLOM, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1873.]

The Committee on Pensions, to whom was referred the bill (H. R. 1873) granting a pension to Edward Kraemer, have examined the same, and report:

That the facts in this case are fully set forth in the report of the Committee on Invalid Pensions of the House of Representatives, as follows:

Edward Kraemer enlisted as a private in Company F, Twelfth Regiment Illinois Volunteers, August 3, 1861. On or about February 25, 1865, at Sisters' Ferry, Ga., he was injured while detailed on fatigue duty by the falling of a tree, which broke his left arm, four of his ribs, and injured his head and left shoulder. He was unable to perform military duty afterwards on account of said injuries, and was discharged from service June 30, 1865. He was pensioned at $8 per month, and afterwards reduced to the rating of $4 per month. He filed requisite proof of soundness prior to enlistment and injury received in service, and records show his treatment in hospital during service. His application for increase was rejected December 24, 1879.

The affidavit of Dr. August Weirich shows that he treated him some time; that said Kraemer is a temperate man; that his right frontal bone was fractured and depressing on his brain, causing neuralgic pains constantly; that he is affected with paralysis of the arm, has several ribs fractured, and is subject to severe, incurable ophthalmia.

The affidavit of Dr. Edward D. Kiltoe, late medical inspector of the United States Army, shows that he has been the family physician of said Kraemer since discharge, and he has now become partially insane; that his right side is paralyzed, and he is for the most part confined to his bed, and is entirely disabled from work.

The affidavit of Dr. B. F. Fowler, late examining surgeon, shows total disability of said Kraemer.

Your committee have to report that, inasmuch as the law allows a pension of $72 per month to a man totally disabled and confined to his bed, needing attention, this claimant should receive the amount asked for in the bill, which is only one-third of that sum. The affidavits of these physicians show that he is almost totally disabled and confined to his bed.

Your committee therefore recommend the passage of the bill.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1555.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BAYARD, from the Committee on Private Land Claims, submitted the following

REPORT:

[To accompany bill S. 1043.]

The Committee on Private Land Claims, to whom was submitted the bill (S. 1043) to quiet certain land titles in the State of Mississippi, having had the same under consideration, report as follows:

The lands in question were ceded by the Chickasaw Nation to the United States under treaty of October 20, 1832 (Statutes at Large, vol. 7, p. 381), and by further "articles of convention and agreement made between the United States and the delegation representing the Chickasaws" May 24, 1834. (*Id.*, p. 450.)

By the 4th article of convention it is provided as follows:

> The Chickasaws desire to have within their own direction and control the means of taking care of themselves. Many of their people are quite competent to manage their affairs, though some are not capable and might be imposed upon by designing persons; it is therefore agreed that the reservations hereinafter admitted shall not be permitted to be sold, leased, or disposed of, unless it appear by the certificate of at least two of the following persons, to wit, Ish-ta-ho-ta-pa, the king, Levi Colbert, George Colbert, Martin Colbert, Isaac Albertson, Henry Love, and Benjamin Love, of which five have affixed their names to this treaty, that the party owning or claiming the same is capable to manage and to take care of his or her affairs; which fact, to the best of his knowledge and information, shall be certified by the agent, and furthermore that a fair consideration has been paid; and thereupon the deed of conveyance shall be valid, provided the President of the United States, or such other person as he may designate, shall approve of the same, and indorse it on the deed; which said deed and approval shall be registered at the place and within the time required by the laws of the State in which the land may be situated; otherwise to be void.

It is essential that the requirements for the validity of these deeds should be proven by the parties now claiming, and upon an examination of the deeds produced by them in support of their claim of title and conveyance it is obvious that they have failed to comply with the provisions of the treaty, for none of the persons named, whose certificate is essential, have so certified. Nor has any President of the United States or any person designated by any President ever approved of these deeds or any of them; nor has any indorsement to that effect been made by the only officer or person authorized in the treaty; and in default of this it is expressly provided that the deed shall be void.

This being so, your committee have no hesitation in deciding that for want of the performance of the conditions so plainly made necessary by the treaty, there is no duty incumbent upon Congress to fortify the defective titles of the claimants; they therefore report back the bill adversely, and recommend its indefinite postponement.

H CONGRESS, } SENATE. { REPORT
2d Session. } { No. 1556

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

'. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2668.]

This is the case of the dependent father of a medical cadet who died the service from virus received from wound of a soldier which he was ssing. The cadet was an enlisted man, who was made a medical let upon special order of General McClellan. The transfer was made the good of the service, and resulted in the death of the soldier-let.

The dependence of the father upon the son is proven, and his pov-y and great permanent disability and suffering are fully set forth in testimony.

The committee recommend the passage of the bill.

The mother of the soldier is dead.

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the honorable Senate and House of Representatives of the United States:

, John M. Milton, of Hopkinton, county of Merrimack, and State of New Hampshire, o being duly sworn declare that I am seventy years of age, and that I am the her of Charles A. Milton, who on the 15th day of May, A. D. 1861, was enrolled as rivate in Company B, Second Regiment New Hampshire Volunteers, to serve three ırs, and was discharged from the service September 30, 1861, by a special order of ıeral George B. McClellan.

ıt General McClellan's special request, he, the said Charles A. Milton, was ap-nted by Simon Cameron, then Secretary of War, a medical cadet (the second one ɔointed) and died at the United States General Hospital, Mound City, Ill., May, 2, from poisonous virus, which fell on a scratch on his wrist while dressing a dier's wound. And I, the said John M. Milton, further declare that my son, the d Charles A. Milton, previous to his enlistment, and while in the Army, furnished for my support at least $300. That I have long been troubled with rheumatism l lameness, have always been poor and needy, unable by physical disabilities to ain a livelihood; that I was largely dependent on the contributions of the said arles A. Milton for support. The age of the said Charles A. Milton, at the time of death, was twenty-three years, and he never married. Further your petitioner mbly prays that he may be awarded back pay and a stipend per month commen-ate to the rank of his said son at the time of his death.

JOHN M. MILTON.

ATE OF NEW HAMPSHIRE,
Merrimack, ss:

HOPKINTON, *February* 27, 1885.

Personally appeared John M. Milton, and made oath that the above statement of ts by him signed are true.

Before me,

WALTER S. DAVIS,
Justice of the Peace.

This is to certify that I have attended at times, during the last twelve years, John M. Milton, of this town, for arthritic rheumatism.

The movements of his elbows and knees are restricted, the result of partial ankylosis, and I believe the disease to be progressive.

I believe the above claimant worthy of attention, and have no interest, directly or otherwise, in the procuring of a pension for said Milton.

GEO. C. BLAISDELL, M. D.

HOPKINTON, *February* 26, 1865.

STATE OF NEW HAMPSHIRE,
Merrimack ss:

Personally appeared before me, a justice of the peace George C. Blaisdell, a physician known to me, and in good standing, and subscribed and made oath to the above statement. I have no interest in the claim.

WALTER S. DAVIS.

We, the undersigned citizens of Hopkinton, hereby certify that we have at least thirty years been personally acquainted with John M. Milton, petitioner for a pension; that we are conversant with his physical condition; know him to be the father of Charles A. Milton, medical cadet, who died in the United States service, per statement of his father, John M. Milton, in his petition of even date; know him, the said John M. Milton, to be poor and needy, unable, on account of rheumatism, age, and lameness, to obtain support for himself and family. All of his property would not sell for $200.

WALTER S. DAVIS,
GEO. B. HARDY,
JAMES M. BURNHAM.

FEBRUARY, 27, 1865.

MERRIMACK *ss:*

Then the above Walter S. Davis, George B. Hardy, and James M. Burnham appeared and made oath that this affidavit is true.

G. A. CURTIN,
Justice of the Peace.

TREASURY DEPARTMENT,
SECOND AUDITOR'S OFFICE,
December 22, 1864.

SIR: Inclosed you will receive a certificate, No. 129239, for $99.10, payable to you as father of deceased, or to your order, by any paymaster of the United States Army, being for pay due Charles A. Milton, a late medical cadet, Company ——, —— Regiment of United States Army, for services from the 28th day of February, 1862, when last paid, to the 17th day of May, 1862, time of his death. No bounty allowed by act July 22, 1861, to medical cadets.

Very respectfully, your obedient servant,

E. B. FRENCH,
Second Auditor.

Mr. JOHN M. MILTON,
Claremont, N. H.

TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1557.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 28, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3735.]

The Committee on Pensions, to whom was referred the bill (H. R. 3735), granting a pension to Mary A. Grennon, have examined the same, and report:

That the facts in this case have been set forth in the report of the House Committee on Invalid Pensions, as follows:

William H. Grennon, husband of the petitioner, enlisted in the service of the United States December 12, 1863, as a private in Company M, Fourteenth New York Heavy Artillery, and disappeared on the 1st day of January, 1865, since which time he has not been heard from.

The report of the Adjutant-General shows that the soldier was present with his company on December 31, 1864. The company was then stationed at Fort Haskell, Va. The return for January, 1865, reports him "deserted January 2, 1865, at Fort Haskell, Va." The muster-out roll of the company, dated August 26, 1865, reports him "deserted January 1, 1865." Company's description book shows that he "deserted to the enemy from the picket line January 2, 1865."

The petitioner filed application for pension May 14, 1880. It was rejected by the Commissioner in the following terms:

"Rejected upon the ground that the death of the soldier is not traceable to the military service, as appears from the claimant's own statements. The records at the War Department report the soldier a deserter since January 1, 1865.

The claimant in her declaration and in a letter to the Department states that the soldier was shot by rebel sharpshooters, as she was informed by men who knew him in the Army, and were in same regiment; that neither she nor any of his friends ever heard a word from him since she heard of his death; and that there were two men who saw him dead and buried, but she does not know their names.

The testimony filed in support of the claim is the affidavit of Sylvester E. Hough, who states that he was a comrade of the soldier, and that on or about January 1, 1865, said soldier being thirsty at night, and having no water, stated that he would go down to the spring and get some; that in pursuance of this resolution he started down to the spring, which was in the direction of, and not far from, the enemies' pickets; that shortly thereafter the report of a gun was heard. He further says that about a week afterwards two soldiers of the rebel army came into camp, one of whom had on the boots that Grennon had worn when he started to the spring, and being spoken to about it said Grennon had been shot by the rebel pickets.

Grennon's character is set forth in a petition signed by the Hon. A. X. Parker, a member of this House, Charles W. Lute, and fifteen other citizens of Saint Lawrence County, New York, who say "that he was a worthy citizens of small means, and his death deprived his family of support, and that his widow is now living in said county in needy circumstances."

The committee admit that the evidence establishing the fact of this man's death is slight, but the presumption of the common law is, that a person who has been absent and not heard from for seven years is dead, and that this presumption may properly be accepted in this case. His character as a man and citizen is established as good by those who knew him, and whose signatures are borne upon the widow's petition, all of whom are reputable citizens. It is hardly fair to assume that such a man would desert his trust and exile himself from his family for these many years.

The House passes the bill, and, giving the benefit of the doubts to the soldier, we recommend the passage of the same.

O

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1558.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1885.—Ordered to be printed.

Mr. SHERMAN, from the Committee on Finance, submitted the following

REPORT:

[To accompany bill S. 2669.]

The Committee on Finance, to whom was referred the bill (S. 2669) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the Peoples' National Bank, of Lawrenceburg, Ind., report that they have had the same under consideration, and recommend that the bill be enacted into law.

They annex affidavit of facts in the case showing the circumstances under which the certificate of deposit was lost, and also the letter of the Secretary of the Treasury informing the committee that the Department knows of no objection to the passage of the bill.

TREASURY DEPARTMENT,
Washington, January 10, 1885.

SIR: I am in receipt of a letter from your committee, dated on the 8th instant, inclosing a copy of a bill (H. R. 7706) entitled "A bill to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the Peoples' National Bank, of Lawrenceburg, Indiana," and requesting my opinion thereon.

In reply I have to inform you that no objection to the passage of the bill is known to this Department.

Very respectfully,

H. McCULLOCH,
Secretary.

Hon. WILLIAM R. MORRISON,
Chairman Committee on Ways and Means, House of Representatives.

STATE OF INDIANA,
Dearborn County, ss:

Personally appeared before me, the undersigned, a notary public within and for said county and State, Peter Braun, who, being duly sworn upon his oath, deposes and says: That he is the cashier of the Peoples' National Bank, of Lawrenceburg, Indiana, duly elected and qualified, and as such cashier did, on the 26th day of September, 1883, deposit with the assistant treasurer of the United States, at Cincinnati, Ohio, the sum of ten thousand dollars ($10,000) in U. S. notes, and received therefor a certificate of deposit No. E 35988, payable to said bank; that during the month of February, 1884, the Ohio River overflowed its banks and deluged said town of Lawrenceburg, and the water was over 9 feet in depth on the floors of said bank; that in the hurry and confusion in endeavoring to save the moneys, papers, and valuables of said bank, the certificate of deposit so issued as above was unavoidably lost or destroyed and cannot now be found; that payment of said certificate was stopped March 13, 1884; that said certificate has never been found, and no duplicate has been received therefor, neither has said $10,000 so deposited as above ever been returned, and said assistant treasurer still retains the same and refuses to return it.

[SEAL.] P. BRAUN, *Cashier.*

Subscribed and sworn to before me this 16th day of December, 1884.

[SEAL.] CHARLES F. HAYES,
Notary Public.

48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1559.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1885.—Ordered to be printed.

Mr. CAMDEN, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 2872.]

The Committee on Pensions, to whom was referred the bill (H. R. 2872) granting a pension to Jacob Funkhouser, having carefully considered the same, report:

That the facts are correctly stated in the report of the House Committee on Invalid Pensions.

Your committee adopt the said House report, and recommend the passage of the bill.

The report is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2872) granting a pension to Jacob Funkhouser, of Preston County, West Virginia, having had the same under consideration, respectfully report:

The said Jacob Funkhouser is shown by the records of the Interior Department to have enlisted in Capt. Christian Core's company, Virginia Militia, and served therein from February 20 to March 4, 1815. He received a land warrant for 160 acres under the act of 1855, but his claim for pension was rejected July 30, 1878, by the Pension Office, on the ground that his service was rendered subsequent to the treaty of peace. Applicant is now in his ninety-fifth year, poor, and dependent. While excluded from a pension by a strict construction of the law, yet inasmuch as he enlisted, and doubtless served part of his time before the news of the treaty of peace was received in the remote northwestern section of Virginia, in which he then resided, the committee deem his case a meritorious one, and recommend that the above bill pass.

:H CONGRESS, 2d Session. } SENATE. { REPORT No. 1560.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1885.—Ordered to be printed.

:. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7618.]

e Committee on Pensions, to whom was referred the bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler S. Kislingbury, and Douglas E. L. Kislingbury, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry, having considered the same, respectfully report:

The persons named in this bill are the surviving minor children of eutenant Kislingbury, whose recent heroism, sufferings, and death in e line of duty as an officer of the Lady Franklin Bay expedition, comands the respect and sympathy of the civilized world.

The following is Lieutenant Greely's letter concerning the proposed lief:

DEAR SIR: I trust that the bill in your charge which provides a pension for Lieuant Kislingbury's children during minority will be favorable reported. It seems me that the matter is in a nut-shell. Lieutenant Kislingbury met his death after treme privation and terrible suffering, while in service and on duty with the Lady anklin Bay expedition, the circumstances attending which are everywhere known. er twenty years' honorable and faithful service, during which he served in all ades, from a private in the Volunteer Army during the late war to lieutenant in the gular Army, he leaves four children dependent and without support. I know that last thoughts were of those children, and that he hoped and trusted that the Govment would not see them suffer. It seems to me that the Government can expect most devoted and faithful duty to death from all its servants, but in return they least hope that through their labor and at the price of their lives reward may come those they leave dependent.

Respectfully yours,

A. W. GREELY.

Hon. W. E. ROBINSON, *M. C.*

Your committee report the bill back to the Senate without amendnt, and recommend that it do pass.

:H CONGRESS, 2d Session. } SENATE. { REPORT No. 1561.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1885.—Ordered to be printed.

. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 603.]

The Committee on Pensions, to whom was referred the bill (H. R. 603) anting a pension to Rachel Nickell, have examined the same, and re-:t favorably, recommending the passage of the same.

The following is from the House report:

Committee on Invalid Pensions, to whom was referred the bill (H. R. 603) granting a pension to Rachel Nickell, beg leave to report as follows:

'hat the proof shows conclusively that Rachel Nickell is the dependent mother of berry S. Nickell, who enlisted as a private in Company I, Forty-seventh Kentucky unted Infantry, although the soldier's name does not appear on the muster-rolls. 'he proof shows that he, in company with other soldiers, was detailed and sent on :out, and that while in the performance of duty, Asberry S. Nickell was captured l killed by rebels or guerrillas on or about the 28th day of September, 1863. That hel Nickell never remarried, and is very old and in indigent circumstances. n view of all the facts the committee recommend the passage of the bill.

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TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1562.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1885.—Ordered to be printed.

r. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7907.]

The Committee on Pensions, to whom was referred the bill (H. R. 7907) ranting a pension to Matilda Cody, have examined the same, and report, recommending its passage.

The House report contains the facts:

he Committee on Invalid Pensions, to whom was referred the bill (H. R. 7907) granting a pension to Matilda Cody, respectfully report as follows:

The proof shows that Jehu Cody, the husband of Matilda Cody, served in Company L, Fourteenth Regiment Kentucky Cavalry, from December 10, 1862, until March 1, 1864, when he was mustered out by expiration of service. That said Jehu Cody ien enlisted in the Three Forks Kentucky Battalion, but had not been mustered for ant of an opportunity, there being no muster officer; when, acting under orders of ıpt. Shadrock Combs, the said Jehu Cody, in company with other soldiers, went on scout and was killed in the line of duty about October 7, 1864. The proof shows at the soldier's widow, Matilda Cody, never remarried.

In view of all the facts the committee recommend the passage of the bill.

O

:H CONGRESS, } SENATE. { REPORT
2d Session. } { No. 1563.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1885.—Ordered to be printed.

r. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8155.]

The Committee on Pensions, to which was referred the bill (H. R. 55) granting a pension to Addie L. Moore, has examined the same, d reports that it adopts the statement of this case made by the Comttee on Invalid Pensions of the House of Representatives to that dy, and which is as follows, viz:

ur Committee on Invalid Pensions, to whom was referred the bill (H. R. 8155) granting a pension to Addie L. Moore, having considered the same, report as follows:

'he claimant is the widow of Camillus A. Moore, late a private in Company E, 'enty-fourth Regiment Illinois Volunteer Infantry. He enlisted on August 14, 2, and was discharged February 3, 1863. He died October 7, 1875. The soldier 'er filed an application for pension, but his widow, on the 24th of April, 1879, filed application, which was finally rejected by the Pension Office on the 20th of Feb-ry, 1883, on the ground that the disease of which the soldier died was not the re-t of his military service. It is shown by the proof on file at the Pension Office that husband of claimant was discharged on surgeon's certificate of disability.

'he certificate of disability and discharge both state that he is discharged "by son of greatly impaired health, resulting from measles, followed by erysipelas, ronic diarrhea, and cough that is very unpromising." The record of the Adjutant-neral's Office shows that he was sick in hospital at Nashville, Tenn., since December 1862, and was discharged on surgeon's certificate of disability at Nashville, Tenn., the 3d day of February, 1863.

'he evidence is uncontradicted that prior to his enlistment he was an able-bodied an, sound and healthy in every respect. The evidence of numerous witnesses shows at he was entirely broken in health at the time of his discharge, and was unable to manual labor to any appreciable extent up to the time of his death.

'he evidence of the physicians is somewhat conflicting as to the duration of his st sickness; some of them place it at three or four days, and one doctor as high as 'enty-five days. The Pension Office decided the cause of his death to have been erebral hemorrhage." The evidence in his case would indicate that his death was e result or sequel of the same disabilities with which he was afflicted when he was scharged from the service. The fact shown that he was continuously ill, and that had a pain in his head for years, together with the further symptoms narrated by e physicians and witnesses, further showing his continuous illness from the time of scharge to the time of his death, will combine, we think, to make a clear case for lief under the bill before your committee.

The soldier had formerly been married, but his first wife died and there were no ildren surviving as the result of their marriage. By the second wife (the claimant rein) there was born one child, namely, Howard Cornelius Moore, on the 14th of arch, 1875.

The soldier seems to have performed his duty well until he was stricken down with e measles, and your committee think it but just that his widow and little child ould receive a pension for the services in which he sacrificed his life. Your com-ttee therefore report the bill back with the recommendation that it do pass.

The bill is accordingly reported with a recommendation that it do ass.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1564.

IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1885.—Ordered to be printed.

Mr. WILSON, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 8237.]

The Committee on Pensions, to whom was referred the bill (H. R. 8237) granting a pension to Mary J. Dickson, has examined the same, and reports:

That the following report of the Committee on Invalid Pensions of the House of Representatives is adopted by this committee as a fair statement of this case, viz:

Your Committee on Invalid Pensions, to whom was referred the bill (H. R. 8237) granting a pension to Mary J. Dickson, having had the same under consideration, report as follows:

"The claimant, Mary J. Dickson, asks a pension from Congress by special act, as dependent sister of Sylvester R. Dickson, who enlisted in Company A, Eighty-third Illinois Volunteer Infantry, in August, 1862, and was killed in a skirmish with the enemy while in line of duty on the 2d day of January, 1863, near Fort Donelson, Tennessee. The claimant, under the rules of the Pension Office, cannot obtain a pension, and has made no application in that direction. From the proofs on file it appears that the deceased soldier was never married; that at the time he enlisted as stated, claimant was an invalid and dependent upon him for support; that when he enlisted he willed claimant all his property, which amounted to about $1,000; and that after he went to the Army he sent her money for her support.

Claimant has never married, and during all the years since the soldier's enlistment has remained an invalid. She has long since exhausted the property her brother left her, and is without means and is unable to support herself. Her mother died in 1859, and her father in 1870, the latter remaining a widower after the death of his wife before referred to. Claimant states that she has three other brothers living, but two of them have no property save a few household goods, and neither of them owns a homestead, and have no other property; that one of the brothers is 57 years of age, and the other is 66 years of age, both being in poor health.

The third brother has eighty acres of land, upon which he lives with his family, consisting of a wife and four children. That said farm is worth not to exceed $2,400, on which there is a mortgage of $800, besides numerous other debts. That he has but little personal property, and that only sufficient to work his farm. That he is in poor health and is not able to do any work, and is now 61 years old. She has no sister living. The statements of claimant are supported by those of many reputable citizens who have known claimant and her family for many years. There is, besides, a petition signed by many of the leading men of the State, earnestly recommending her case to Congress for favorable action.

The bill is accordingly reported with a recommendation that it do pass.

C

H CONGRESS, 2d Session. | SENATE. | REPORT No. 1565.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5922.]

Committee on Pensions, to whom was referred the bill (H. R. 5922) for he relief of George D. Guthrey, have examined the same, and report:

That it appears by the letter of the Commissioner of Pensions, dated bruary 27, 1885, that this claimant has been placed on the pension- under the general law. That being all that the present bill con- plates, your committee report it back, and recommend that it be in- nitely postponed.

O

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1566.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany petition of John H. Stewart.]

The Committee on Military Affairs, to whom was referred petition of John H. Stewart, praying for amendment of bounty laws, so as to remove bar of limitation, have duly considered the same, and submit the following report:

Your committee referred the petition to Secretary of War and the Second Auditor of the Treasury, and received the following communications, &c.:

WAR DEPARTMENT,
Washington City, June 9, 1884.

SIR: Referring to your letter of the 30th ultimo, inclosing the petition of John H. Stewart, late a private of Company C, Fourth Regiment of Arkansas Volunteers, for special legislation to entitle him to bounty under the act of July 28, 1866, of which he is now deprived by reason of having failed to make application for the same, within the time prescribed by law, and requesting to be advised as to the propriety of granting the prayer of the petitioner, I have the honor to invite attention to the inclosed report on the subject, dated the 6th instant, from the Adjutant-General of the Army, and to the accompanying statement of Mr. Stewart's military service. I may add that the Second Auditor of the Treasury is charged with the adjudication of all claims for bounty, and he will undoubtedly furnish the information which it appears from your letter you have already applied for, in regard to the several acts of Congress under which bounty was allowed.

The petition referred to is herewith returned.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. F. M. COCKRELL,
Of the Committee on Military Affairs, United States Senate.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, June 6, 1884.

SIR: I have the honor to return herewith a communication from Hon. F. M. Cockrell, of the Senate Committee on Military Affairs, transmitting a petition of John H. Stewart, formerly a member of Company C, Fourth Arkansas Volunteers, requesting special legislation to entitle him to bounty, under the act of July 28, 1866, of which he is now deprived by reason of having failed to make application for the same within the time prescribed by the law, and requesting information "in regard to the several acts under which bounty was allowed to this soldier," &c.

In reply to the above request I have to transmit herewith a military history of the

soldier referred to, and to suggest that the other information requested can be furnished by the Second Auditor of the Treasury, to whom a similar application in this case appears to have been forwarded by Senator Cockrell.

I am, sir, very respectfully, your obedient servant,

CHAUNCEY McKEEVER,
Assistant Adjutant-General in charge.

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, D. C., June 5, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th day of May, 1884, requesting a "statement of service" of John H. Stewart, the following information has been obtained from the files of this office, and is furnished in reply to your inquiry.

In the case of John H. Stewart, there is no original enlistment or muster-in roll showing him to have been enrolled or mustered into the service of the United States as an enlisted man in Company C of the Fourth Regiment of Arkansas Cavalry Volunteers, on file in this office up to date.

The muster-rolls of Company C of that regiment contain the following evidence of service: It is stated that he was enrolled December 19, 1863, at Dardanelle, Ark., to serve three years. Rolls from enrollment to April 30, 1864, private, present May and June, 1864; absent on detached service scouting since June 24, 1864; subsequent rolls to April 30, 1865, report him present. Mustered out with company June 30, 1865, at Little Rock, Ark., a farrier.

I am, sir, very respectfully, your obedient servant,

CHAUNCEY McKEEVER,
Assistant Adjutant-General in charge.

TO SENATE COMMITTEE ON MILITARY AFFAIRS.

TREASURY DEPARTMENT,
SECOND AUDITOR'S OFFICE,
Washington, D. C., July 5, 1884.

SIR: In reply to your letter of the 25th ultimo, requesting information in the case of John H. Stewart, Company C, Fourth Arkansas Cavalry, and a summary of the legislation in regard to bounties, &c., I have the honor to state as follows:

A claim for additional bounty under the act of July 28, 1866, in behalf of the said Stewart, was filed in this office October 28, 1883. It cannot be acted upon, owing to the provisions of the act of July 5, 1876, which limited the time for filing such claims to July 1, 1880.

The acts of Congress granting bounties are as follows:

Act July 22, 1861 (Stat. at Large, vol. 12, p. 268, sec. 4), allows a bounty of $100 to men who have served two years, or during the war if sooner ended. Section 6 gives $100 bounty to the widow and legal heirs of volunteers dying in the service.

Act July 29, 1861 (Stat. at Large, vol. 12, p. 279, sec. 5). Regulars enlisting after July 1, 1861, entitled to the same bounties as volunteers.

Act March 25, 1862 (Stat. at Large, vol. 12, p. 374, sec. 1). Certain men in Departments of the West and of the Missouri to be paid the same bounty as in cases of regular enlistment. Section 3. Heirs of those killed to have bounty.

Act July 5, 1862 (Stat. at Large, vol. 12, p. 505, sec. 6), provides that $25 of the bounty, per act July 22, 1861, and July 29, 1861, be paid immediately after enlistment.

Act July 11, 1862 (Stat. at Large, vol. 12, p. 535, sec. 1), appropriates money to pay bounties to heirs of volunteers under act July 22, 1861, and prescribes line of heirship. Section 2. Payment of bounties to heirs of regulars under act July 22, 1861.

Act March 3, 1863 (Stat. at Large, vol. 12, p. 758). Men discharged within two years of enlistment by reason of wounds entitled to bounty.

Act July 4, 1864 (Stat. at Large, vol. 13, p. 379), authorizes payment of bounties of $100, $200, and $300 for enlistments of one, two, and three years, respectively.

Act March 3, 1865 (Stat. at Large, vol. 13, p. 487, sec. 3), names heirs to whom bounty shall be paid in cases of soldiers discharged for wounds received in battle, who died before receiving bounty. Act March 3, 1863, sec. 4. Persons discharged for wounds received in battle or in line of duty entitled to the same bounty as if their full term had been served.

Act July 28, 1866 (Stat. at Large, vol. 14, p. 310, sec. 12). Additional bounty of $100 to certain honorably discharged soldiers or heirs. Section 13, $50 additional bounty

to certain enlisted men or heirs. By the act of March 3, 1869 (Stat. at Large, vol. 15, p. 334), claims under the act of July 28, 1866, were declared void unless presented prior to December 1, 1869. The time for filing such claims was extended five different times by acts of Congress, the last of which limited the period to July 1, 1880. There has been no subsequent legislation affecting claims of this character.

Act February 21, 1868 (Stat. at Large, vol. 15, p. 37). Additional bounty to be paid certain heirs.

Act July 13, 1868 (Stat. at Large, vol. 15, p. 256). Certain Missouri troops placed on equal footing with others as to bounties.

Act April 22, 1872, grants $100 bounty to men who enlisted prior to July 22, 1861, and were mustered prior to August 6, 1861.

Act March 3, 1873 (Stat. at Large, vol. 17, p. 601), places colored persons who enlisted in the army on the same footing as other soldiers as to bounty and pensions.

Act June 16, 1880, (Stat. at Large, vol. 21, p. 283). Bounties to men of the Fifteenth and Sixteenth Missouri Cavalry and heirs.

The payment of bounties was also authorized by orders of the War Department as follows:

General Orders, No. 15, Adjutant-General's Office, May 4, 1861, pursuant to the proclamation of the President of May 3, 1861. A bounty of $100 to men honorable discharged, and the same to legal heirs of men who died or were killed in the service.

Payment of bounty under this order to *discharged men* was not carried into effect until the passage of the act of April 22, 1872, heretofore mentioned.

The order was, however, legalized and made valid by the act of August 6, 1861 (sec. 3, Stat. at Large, vol. 12, p. 326).

General Orders, Nos. 190 and 191, Adjutant-General's Office, June 25, 1863, $400 bounty to men enlisting in the Regular Army and men enlisting as "veteran volunteers."

Circular No. 98, Provost-Marshal General's Office, November 3, 1863. Recruits for old regiments allowed $300 bounty.

Bounties paid under regulations and orders from the War Department were legalized by the joint resolution of January 13, 1864 (Stat. at Large, vol. 13, p. 400).

All bounty acts are now in force, excepting only the act of July 28, 1866, previously noticed.

I am of the opinion that the limitation of the act granting additional bounties should remain as it now stands, and furthermore, that a time should be fixed by statute within which *all claims* growing out of the late war should be presented.

In this connection I invite your attention to my views respecting a statute of limitation, as set forth in my annual report for the fiscal year ended June 30, 1883 (p. 16), a copy of which I inclose.

I have possession of no data upon which I can form a judgment, even approximately, of the probable number of claims for bounty that would be presented were the limitation removed from the act of July 28, 1866. Mr. Stewart's petition is returned.

Very respectfully,

O. FERRIS, *Auditor.*

Hon. F. M. COCKRELL,
United States Senate.

The following extracts are taken from the report of the Second Auditor of the Treasury for year 1883:

CONDITION OF THE PUBLIC BUSINESS.

The condition of the public business intrusted to my charge is shown by the following comparative statement of accounts and claims received, disposed of, and remaining on hand in the fiscal years 1881, 1882, and 1883:

FISCAL YEAR 1881.

Description of accounts, &c.	Number of accounts and claims.		
	Received.	Disposed of.	On hand June 30.
Disbursing accounts.			
Army paymasters	601	419	312
Recruiting, medical, ordnance, and miscellaneous	1,732	1,664	514
Indian agents	847	1,166	24
Total disbursing accounts	3,180	3,249	850

FISCAL YEAR 1881—Continued.

Description of accounts, &c.	Number of accounts and claims.		
	Received.	Disposed of.	On hand June 30
Claims.			
Arrears of pay and bounty	8, 682	9, 110	32,
Indian	3, 052	3, 140	
Total claims	11, 734	12, 250	32,
Property accounts.			
Clothing, camp and garrison equipage	3, 649	4, 969	4,
Indian	354	372	
Total property accounts	4, 003	5, 341	4,
Aggregate	18, 917	20, 840	40,

FISCAL YEAR 1882.

Disbursing accounts.			
Army paymasters	588	398	
Recruiting, medical, ordnance, and miscellaneous	1, 869	1, 889	
Indian agents	958	797	
Total disbursing accounts	3, 415	3, 084	
Claims.			
Arrears of pay and bounty	13, 789	15, 434	
Indian	3, 069	3, 026	
Total claims	16, 858	18, 460	
Property accounts.			
Clothing, camp and garrison equipage	3, 569	4, 132	
Indian	558	513	
Total property accounts	4, 127	4, 645	
Aggregate	24, 400	26, 189	

FISCAL YEAR 1883.

Disbursing accounts.			
Army paymasters	583	469	
Recruiting, medical, ordnance, and miscellaneous	2, 101	2, 084	
Indian agents	869	868	
Total disbursing accounts	3, 553	3, 421	
Claims.			
Arrears of pay and bounty	16, 971	11, 961	
Indian	3, 492	3, 527	
Total claims	20, 463	15, 488	
Property accounts.			
Clothing, camp and garrison equipage	3, 116	4, 438	
Indian	460	757	
Total property accounts	3, 576	5, 195	
Aggregate	27, 592	24, 104	

Notwithstanding the best efforts of the office it has been found impossible to prevent an accumulation of unfinished work. The record of accounts of disbursing officers shows an increase of 138 in the number received, 337 in the number audited, and 132 in the number remaining unsettled at the close of the year. The record of property accounts makes a more favorable showing, the number received being 751 less than last year, the number settled 550 more, and the number on hand 1,619 less than on June 30, 1882. The number of claims on hand (arrears of pay and bounty, exclusive of longevity claims of officers in the service) has increased by 4,950, the number received being 3,191 in excess of last year's returns and the number disposed of 4,842 less. It should be stated, however, that in reporting disallowed cases only those are counted that have been finally rejected by the Second Comptroller. The number actually disallowed by this office was 6,580, of which only 5,281 are included in this report—1,299 not having been acted upon by the Second Comptroller on June 30. The actual falling off in the number of cases disposed of is therefore 3,543. But it by no means follows that less work was performed in 1883 than in 1882. On the contrary the decrease in the number of cases settled was accompanied by a large increase of work. This apparent anomaly is explained by the fact that disallowed cases which, prior to January 1, 1882, were summarily disposed of by the Second Auditor, are now formally reported to the Second Comptroller; and by the further fact that all cases, whether disallowed or not, are so exhaustively examined and inquired into as to consume at least thrice as much time as was formerly considered necessary. It is not an unusual occurrence for one claim to occupy the entire time of an experienced clerk for two or three days, and then be suspended for further evidence.

There are now more unsettled claims on hand than at any time since 1872. On June 30, 1873, 35,771 claims remained on hand. The number then gradually decreased until it reached 14,466 in 1877. Since that year there has been a steady increase until the unadjusted cases on June 30 numbered 36,042. At the present rate of settlement (about 12,000 per annum) it will take three years to clear off this accumulation, provided no more claims be filed. But as the number presented is increasing instead of diminishing, the prospect of settling a claim within a reasonable time is somewhat remote. Since July 1 I have withdrawn five experienced clerks from other divisions of the office in which the work, though equally important, is not so pressing, and assigned them to the pay and bounty division. But even with this increase of force the number of unsettled claims on hand on October 1, was 37,391, being 1,349 more than on June 30. Under these circumstances I feel constrained to ask for a material addition to the clerical force of the office, and I have accordingly submitted, with the annual estimate, a request for fifty more clerks.

If no addition be made to the force I shall, as heretofore, use my best endeavors for the dispatch of public business, but in justice to the great mass of claimants I shall be compelled to suspend the long-established rule of the office which permits a case to be made special, or advanced by request, and to insist upon each claim being taken up in its proper order, according to date of presentation, departing from this course only upon satisfactory evidence that the claimant is in destitute circumstances and suffering for want of pecuniary aid.

The great increase in the number of applications for arrears of pay and bounty is something anomalous, and when it is stated that not one in ten of the applications now being filed possesses any merit, the inquiry is naturally suggested why, at this late period—nearly twenty years after the war—so many claims are filed, and the number increasing. The following table shows the number filed in each month of the last fiscal year:

Month.	New claims.	Old claims revived.	Total.
1882.			
July	1,049	36	1,085
August	1,023	121	1,144
September	948	109	1,057
October	503	117	620
November	1,091	102	1,193
December	1,321	120	1,441
1883.			
January	1,638	165	1,803
February	1,002	165	1,167
March	1,456	209	1,665
April	1,145	180	1,325
May	1,582	491	2,073
June	1,728	277	2,005
Total	14,486	2,092	16,578

Not one in twenty of all these claims was filed upon the suggestion or by the voluntary action of the claimant. The ordinary causes that establish the relation of attorney and client do not exist. The person who has business to transact and is ignorant of the proper manner of accomplishing it usually applies to an attorney who is supposed to be well informed upon the subject. In claims for back pay and bounty this order is, in most cases, reversed, and the attorney seeks the client. An agent is employed to solicit business in a certain section. His advent is announced by advertisement. He is armed with blanks ready to be filled up, and represents to the uninformed, more generally the colored soldiers or their heirs, that they have not been paid all that is justly due them; that some new law, or new construction of existing law, entitles them to more bounty or further pay; a small fee in advance is required, generally two or three dollars, sometimes more, in fact all that can be got, with the promise that no more will be demanded unless the claim be allowed. The fee is paid, the application filed, and in the end rejected. It is a very common thing to receive, in one package, fifty or a hundred such claims. The attorney rarely looks after them—*it does not pay*. He has received his little advance fee, and it pays better to hunt up more victims. After a few months the deluded soldiers complain that their claims have been a long time pending and that they can hear nothing from them. They state that their attorneys do not or will not answer their letters. In this way a very large correspondence is imposed upon this office—a correspondence that costs the Government a large amount of money and benefits no one. The soldiers are swindled, and after their claims are rejected, frequently denounce the Government and its officers, who simply administer the law as they find it.

Another class of worthless claims is constantly increasing, namely, claims for bounties already paid. In many of these cases denials of former payments are made, under oath, when the records of this office, authenticated in the highest manner known to the law and the courts, show conclusively that payments were made years ago. To perjury is sometimes added forgery, and the lapse of time since the war increases the chances of success to the forgers and perjurers. Should these records be destroyed, and such a calamity is not beyond the pale of possibility, the Government would certainly be defrauded out of millions of dollars.

A STATUTE OF LIMITATION RECOMMENDED.

It is not alone with a view of protecting the Government from fraudulent claims, but also for the protection of soldiers and their representatives that I renew my former recommendation for the passage of a law of limitation. All claims growing out of the late war should be presented for payment within one or two years from the enactment of the law. There is no other way of checking the growing evils to which I have referred.

Statutes of limitation are common in all States of the Union. They apply not only to transactions between individuals, associations, and corporations, but generally to transactions in which the State is a party. They are regarded as a necessary preventive of fraud and imposition; are universally commended by jurists, and no complaint of their effect is made by business men.

In 1793 Congress enacted that all claims upon the United States for services, &c., prior to March 4, 1789, should be presented before May 1, 1794, or be forever barred and precluded from settlement or allowance (1 Stats., 301). In 1863, the time for commencing suit in cases where the Court of Claims has jurisdiction was limited to six years after the claim first accrued (12 Stats., 767). This limitation, it is worthy of note, was not imposed until eight years after the establishment of the court. The time for the presentation of claims for the refundment of internal-revenue taxes erroneously or illegally assessed, is limited to two years next after the cause of action accrued (Section 3228 Revised Statutes). No action can be maintained in case of forfeiture or penalty under the copyright laws unless commenced within two years after the cause of action has arisen (Section 4968 Revised Statutes). The time for filing claims on account of collecting, drilling, and organizing volunteers during the late war, and for additional bounty under the act of July 28, 1866, expired by statutory limitation on June 30, 1874, and June 30, 1880, respectively. The time for filing claims for the value of horses and equipments lost in battle will expire on January 9, 1884. All these are salutary laws, and the propriety of their enactment was never seriously questioned.

It is not to avoid the payment of just demands that a statute of limitation is recommended. A person to whom the Government is indebted is not justified in withholding the presentation of his claim until a time when the Government may be without the means of determining its justness and validity; and the Government has a right at all times to know, by a call upon its creditors, the full amount of its indebtedness.

While earnestly advocating the enactment of a statute of limitation as to claims against the United States, I beg leave to repeat the following suggestions, made by

ne two years ago in relation to overpayments, and to the final settlement of the accounts of disbursing officers:

"In view of all the circumstances connected with overpayments, it has become a question whether the Government would not really lose less by ignoring overpayments made during the war of the rebellion than by attempting to collect them; but, in the absence of legal authority to ignore them, it is the custom of this office to take action on all cases brought to its knowledge in which the Treasury has suffered by erroneous payments. I would suggest, however, that as, in my opinion, the time has arrived when all claims against the United States growing out of the late war should be barred by a statute of limitation, so, also, should claims by the United States against individuals be barred, with the exception, perhaps, of cases of double payment. It would doubtless be a measure of economy if Congress were to authorize the Second Auditor and Second Comptroller to make no further charges on account of overpayments prior to March 16, 1868, in cases where it is evident that payees did not knowingly and willfully obtain more than their just dues.

* * * * * * *

Practically, the sureties of a public disbursing officer are never released, and a law seems to be needed making it obligatory upon the accounting officers to prepare and transmit to the Department of Justice, within a reasonable time, transcripts of the accounts of delinquent disbursing officers and all other persons who are in arrear to the United States; suit to be entered within ten years after the officer or other person became in arrears; otherwise, the United States to be estopped as regards the sureties—the principal, however, to be held.

The Second Auditor, in his report for 1884, says:

A STATUTE OF LIMITATION RECOMMENDED.

I beg leave to invite attention to the remarks under this head in my last annual report (which will be found on page 398 of the finance report for 1883), and to renew the recommendation therein made for the passage of an act which will bar and preclude from settlement all claims growing out of the late war not presented for payment within one or two years after the enactment of such a law. Another year's experience has strengthened my conviction that a law of this kind is absolutely necessary for the protection of the Government, and that it would not operate to the prejudice of honest claimants.

The petitioner claims he was entitled to a bounty of $100 by virtue of act of Congress approved July 28, 1866, but failed to make his application prior to July 1, 1880, and is barred by limitation, and asks the removal of the bar by limitation.

In view of the recommendations of the Department and the facts stated, your committee do not feel authorized to report any legislation, and ask to be discharged from further consideration of petition.

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48TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1567.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 5953.]

The Committee on Pensions, to whom was referred the bill (H. R. 5953) granting a pension to Zenas Hamilton, have examined the same, and report:

That the facts in this case appear to be correctly set forth in the report of the House Committee on Invalid Pensions (House Report No. 1711) as follows:

That Zenas Hamilton enlisted as a private in Company D, Twelfth Michigan Volunteers, September 14, 1864, and served until June 17, 1865, at which time he was discharged.

He made application for a pension December 4, 1876, on account of the fracture of both bones of the left leg, which occurred at Duvall's Bluff, March 4, 1865, in the following manner:

While doing duty with his regiment as provost, he was detailed to protect a show, and while so engaged the seats gave way, his left leg being crushed and broken by the fall, which resulted in permanent disability. This soldier has been refused relief by the Pension Office on purely technical grounds, namely, that at the particular moment that the accident occurred he was not on duty, having been relieved a short time previously. It is a fact well known to all who served in the Army that all details for guard duty were divided into reliefs, the soldier standing guard for a certain length of time, and then being relieved until such time when his turn would come again to go on duty.

This soldier was not at the time he received his injury standing guard. He was, however, one of the squad doing duty, and under the command of an officer, regularly detailed, and ordered to report at that particular place for duty. If he had been ordered on picket duty he would have gone, and who is there that would have denied his right to a pension had he received his injuries whilst doing duty as guard posted in front of an army, with others forming a chain of outposts in order to give notice of the approach of the enemy and to prevent surprise by a hostile force? We apprehend no one. A soldier is not responsible for the particular kind of duty he is commanded to do. It is not of his choosing; he simply obeys orders, and that which a superior orders or permits he is not to be held accountable for.

This soldier was ordered to do duty at a show, and while there with his accouterments on, and his gun in his hands, he had his leg broken, and has been permanently disabled. Your committee believe he was in the direct line of duty, and therefore recommend the passage of the accompanying bill.

This claim is now pending before the Commissioner of Pensions and may be adjudicated by him.

Therefore your committee report the bill with recommendation that it be indefinitely postponed.

TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1568.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

. COCKRELL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 2462.]

e Committee on Military Affairs, to whom was referred the bill (S. 2462) giving a military record to James King, have duly considered the same, and submit the following report:

This bill directs the Secretary of War to enter on the roll of Company Forty-eighth Regiment Kentucky Volunteers, the name of James ing as enlisted June 15, 1863, at Marion, Kentucky, and discharged ecember 18, 1864, at Bowling Green, Kentucky, and issue him an honable discharge, &c.

Your committee referred same to Secretary of War and received an nswer, and then referred same again to Secretary of War for further formation and received his reply. These two letters are as follows:

WAR DEPARTMENT,
Washington City, February 9, 1885.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th ultimo, closing S. 2462, Forty-eighth Congress, second session, a bill "giving a military cord to James King," and requesting to be furnished the military record of James ng, Company F, First United States Infantry, and Company B, Forty-eighth Kentucky Volunteers, with all the data; also asking that if the soldier above named er applied for any relief, you be furnished a copy of such application, with the tion of the Department thereon.

In reply I beg to state that the matter was referred to the Adjutant-General of the my, who, under date of the 4th instant, reports thereon as follows:

"The name of James King is not borne on the records of Company B, Forty-eighth ntucky Mounted Volunteers, on file in this office.

"One James King was enlisted in Company F, First United States Infantry, on July 1867, and discharged July 18, 1870, by expiration of service. This is the only James ng found on the records of Company F, First United States Infantry, between Jan ry, 1864, and July, 1867. He served in Company B, Second Massachusetts Volunrs, from May, 1861, to May, 1864, and cannot, therefore, be identical with the James ng who claims service in Company B, Forty-eighth Kentucky Mounted Volunteers, ween June 15, 1863, and December 18, 1864, as shown in the inclosed bill.

"Under date of February 26, 1884, Messrs. Pennebaker & Son, attorneys, of this city, plied for a discharge in the case of James King, Company B, Forty-eighth Kentucky unted Volunteers. No copy of this application can be furnished, as it was returned the attorneys, under date of March 26, 1884, with the information that the name of mes King does not appear on the rolls of Company B, Forty-eighth Kentucky unted Volunteers."

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. F. M. COCKRELL,
Of the Committee on Military Affairs, United States Senate.

Your committee find that by private act No. 249, approved J
1884, a pension was granted to Mr. King, and in that case the S
Committee on Pensions made a full report (Senate Report No. 784,
eighth Congress, first session). Said act and report are as follov

AN ACT granting a pension to James King.

Be it enacted by the Senate and House of Representatives of the United States of in Congress assembled, That the Secretary of the Interior be, and he is hereby, ized and directed to place on the pension-roll, subject to the provisions and tions of the pension laws, the name of James King, late a private in Com Forty-eighth Regiment Kentucky Volunteers.

Approved, July 7, 1884.

The Committee on Pensions, to whom was referred the bill (H. R. 267) granting a to James King, have examined the same, and report:

The facts in this case are stated in the report of the Committee on Inval sions of the House of Representatives, during the present session (House Rep 414), as follows:

"This case was presented to the Forty-sixth Congress, and the Committee sions of the Senate made a favorable report, as follows:

"'The Committee on Pensions, to whom was referred the petition of Jame private Company F, First Regiment United States Infantry, having exami same, with the accompanying papers, find that the soldier was continuously in from his first enlistment as a volunteer, in 1861, to the date of his discharge f bility, in 1870, from partial paralysis.

"'His paralysis came on in 1869. His application for pension was rejected b in the opinion of a board of examining surgeons, the disability was not incu the service and in the line of duty.

"'The medical evidence in the case is conflicting to some extent. The exist partial paralysis is fully established, and a degree of mental alienation co Some of the surgeons attribute his present condition to a virulent attack of s while others declare that it had no such origin. The existence of the last-nam ease prior to the occurrence of paralysis is, in the opinion of the committee lished, but whether the paralysis thus originated is very questionable. In c ation of this doubt, and of the additional fact that the petitioner served thro the war with credit and fidelity, having participated in the battles of Win

with considerable difficulty. At times he shows unmistakable signs of mental aberration. These consist principally in the manifestations of ungovernable rage, arising from comparatively trivial causes. The organs of speech are much impaired, it being almost impossible to understand what he says; one remarkable fact has been observed from the beginning, the inclination to say no when yes was intended. The patient often seems conscious of the absurdity of the mistake, and immediately corrects himself. This soldier was wounded during the war, a musket ball striking his breast one inch above, and one inch to the left of, the extremity of the xiphoid appendix. There is no scar showing the point of exit; probably the ball was extracted immediately. The patient's accounts of the matter are conflicting. In my opinion, the disability is the result of hardships and exposure incident to the service. Amount of disability, total.'

"The medical record of the soldier during his last term of service shows treatment at various times for colic, intermittent fever (tert. and quot.), and neuralgia. The paralysis did not appear until subsequent to the last treatment shown for neuralgia, in October, 1868.

"The committee is clearly of opinion that the attack of syphilis immediately after discharge from first service, in May, 1864, resulted in no serious consequences, or else the rigid medical examinations to which recruits into the Regular Army are subjected would have rejected him. Again, the absence of any reference to syphilis or its results in the hospital record, or the certificate of disability above quoted, should go far to remove doubts as to the real cause of the claimant's pitiful condition. The opinion expressed by the medical officer, 'that the disability is the result of hardships and exposure incident to the service,' is also the opinion of this committee, and the same therefore recommend that favorable action may be taken on the bill.

"After a careful consideration of all the foregoing statements, your committee would report favorably, and recommend the passage of the bill."

Your committee concur in the above recommendation by the House committee, and ask that the bill do pass.

Your committee can see no reason why the proposed bill should be passed, or what benefit could be derived therefrom.

Congress has already enacted laws for the removal of the charges of desertion and correction of military records, which, for the present, are deemed sufficient to meet meritorious cases.

Your committee recommend that the bill be indefinitely postponed.

C

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1569.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 7990.]

The Committee on Pensions, to whom was referred the bill (H. R. 7990) granting a pension to Joseph Sansom, have examined the same, and report:

That the facts in this case are stated in the report of the Committee on Invalid Pensions of the House of Representatives (House Report No. 2537) as follows:

We find that claimant enlisted August 27, 1862, and was discharged June 30, 1865. His declaration for pension was filed August 30, 1882, alleging that he contracted chronic diarrhea and piles at Munfordsville, Ky., in November, 1862. This claim was rejected in the Pension Office, on the ground that it was not a ratable disability from alleged diarrhea since August 30, 1882.

J. B. Brooks, February 5, 1884, testifies that he has known claimant from his infancy to present time, and that he never had a spell of sickness sufficient to call a physician up to the time he entered the Army, in August, 1862, and that he has been troubled with chronic diarrhea and piles ever since his return home from the Army.

D. W. Thomas, who was lieutenant in same company with claimant, says that at the time of enlistment of claimant he was a sound young man, free from chronic diarrhea and piles, and while in line of his duty contracted chronic diarrhea and piles in November, 1862, at Munfordsville, Ky., with which he was afflicted up to his discharge, and was unable after attack to perform regular service as a soldier.

M. H. Jett, surgeon Twenty-sixth Kentucky Regiment, says that he gave claimant treatment for chronic diarrhea and piles. He further says he first came under treatment in November, 1862, and his disease was of such a violent character that it incapacitated him some five months, after which time there was some improvement sufficient to allow light duty, when he received him as orderly, and continued in that capacity most of the time when well enough for duty. Claimant's trouble continued better and worse during the remainder of his enlistment, and was but little improved at the time of discharge. He was especially under his eye and treatment a greater part of the time.

A number of other witnesses prove beyond doubt that claimant was sound and healthy when he entered the service.

J. M. Wilkins states that he served with claimant in the same company and regiment for a year and knew him intimately during the whole term of his enlistment, and he knows he was perfectly sound when he enlisted. His conduct was noticed, being a boy of 15 years when he enlisted. He further says that the Government may have had bigger but never a better soldier; always ready for the march, picket, or vidette duty, or the fight, with never an excuse from any service to which he was ordered; poor when he enlisted, poor when he was mustered out, but faithful all the time when able.

James R. White, in February, 1884, says that he has known claimant all his life, and that he has been complaining of chronic diarrhea and piles ever since the war, and that he never heard him complain before his enlistment, and is of the opinion that he has been unable to do more than one-fourth manual labor in consequence of his disability.

James H. Brooks, in 1884, says that he has known claimant from early boyhood, and that when he came home from the Army he had chronic diarrhea and piles, and

that he has not been able to perform manual labor more than one-fourth of the time each year since the war. He lives near him.

Dr. J. B. Henry, who treated claimant for diarrhea and piles, is dead, and his poverty prevented him from employing another physician. He has been treating himself since Dr. Henry's death.

Your committee, believing that soldier is justly entitled to a pension, recommend the passage of the bill.

The disability in this case is clearly shown by the evidence on file, but this is not shown by expert testimony. Your committee think this soldier should be pensioned, and therefore they recommend the passage of the bill without amendment.

TH CONGRESS, 2d Session. | SENATE. | REPORT No. 1570.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

Mr. PIKE, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 199.]

e Committee on Claims, to whom was referred the bill (S. 199) for the relief of the heirs of Richard W. Meade, having considered the same, make the following report:

I.

Richard W. Meade, of Philadelphia, the ancestor of the claimants, as a native citizen of the United States. He went to Spain near the eginning of the present century and became extensively engaged in mmerce with that country. He was there during the invasion of the rench under Napoleon, and continued to reside there until the year 821. While so resident he entered into numerous contracts with the panish Government after the year 1802 and before the year 1819, inolving large amounts of money, and his resources contributed to the pport of that Government during its contests with the French. He aimed that as a consequence Spain became largely his debtor. After e restoration of the King of Spain to the throne, Mr. Meade was seized nd imprisoned by order of the Spanish Government, confined for a ng period of time, and finally released only by the active interposion of the Government of the United States in his behalf.

II.

About the time of his release our Government and Spain were in netiations in regard to claims which citizens of the United States were aking upon Spain for wrongs done to them, in which negotiations a ssion of the region known as the Floridas to the United States had en proposed. He had been unable to obtain payment of the Spanish overnment for what he claimed as his due under contracts with it or r his damages arising from his claim for false imprisonment and conement; and there being at that time a prospect that a treaty would e made in which the claims of all our citizens for damages caused them y the Spanish Government, and who had asked the aid of the Governent, would be considered and provided for, he submitted his claim anuary 17, 1819, to the Department of State, asking "for that protecon which his Government might think proper to grant." His claim so resented and filed in the State Department was in an unliquidated rm and was for an aggregate of near $400,000.

III.

After the claim of Mr. Meade had been filed in the State Department, with those of other citizens, and the aid of our Government asked for their collection, and on the 22d of February, 1819, a treaty was signed between the United States and Spain, by which the Floridas were ceded to the United States. It was entitled a treaty of amity, settlement, and limits (8 U. S. Stat. at Large, p. 252). It provides (article 2) that—

His Catholic Majesty cedes to the United States, in full property and sovereignity, all the territories which belong to him situate to the eastward of the Mississippi, known by the name of the East and West Floridas. The adjacent islands dependent on said provinces, &c.

Article 3 of the treaty provides that —

The boundary lines between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico at the mouth of the Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude; thence, by a line due north to the degree of latitude where it strikes the Rio Roxo of Nachitoches or Red River; thence following the course of the Rio Roxo westward, to the degree of * * * twenty-three from Washington; thence crossing the said Red River and running * * * due north to the river Arkansas; thence following the course of the Northern bank of the Arkansas to its source in latitude forty-two degrees north; thence by that parallel of latitude to the South Sea. * * * And the United States hereby cede to His Catholic Majesty, and renounce forever all their rights * * * in the territories lying west and south of the above-described line.

In article 9 of the treaty there are mutual renunciations, Spain renouncing all claim for herself and her citizens upon the United States, and the United States all claim for herself and her citizens upon Spain.

The fifth paragraph of the renunciation of that article on the part of the United States is that—

All claims of the citizens of the United States upon the Spanish Government, statements of which soliciting the interposition of the Government of the United States, have been presented to the Department of State, or to the minister of the United States in Spain, since the date of the convention of 1802, and until the signature of this treaty.

Article 11 is as follows:

ARTICLE 11. The United States, exonerating Spain from all demands in future, on account of the claims of their citizens, to which the renunciations herein contained extend, and considering them entirely canceled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars. To ascertain the full amount and validity of those claims, a commission, to consist of three commissioners, citizens of the United States, shall be appointed by the President, by and with the advice and consent of the Senate, which commission shall meet at the city of Washington, and within the space of three years from the time of their first meeting, shall receive, examine, and decide upon the amount and validity of all the claims included within the descriptions above mentioned. * * * The said commissioners shall be authorized to hear and examine, on oath, every question relative to said claims, and to receive all suitable authentic testimony concerning the same; and the Spanish Government shall furnish all such documents and elucidations as may be in their possession for the adjustment of the said claims, according to the principles of justice, the laws of nations, and the stipulations of the treaty between the two parties of 27th October, 1795, the said documents to be specified when demanded, at the instance of the said commissioners. The payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to an amount not exceeding five millions of dollars, shall be made by the United States.

It will be seen by careful examination of the terms of this treaty, above recited, that the United States contracted with Spain—

(1) That all claims of citizens of the United States upon the Spanish Government, statements of which, soliciting the interposition of the Government of the United States, had been presented to the Department of State or to the minister of the United States in Spain between the date of the convention of 1802 and date of the signature of the treaty should no longer be a claim upon the Spanish Government.

(2) That it would appoint a Commission, consisting of three persons, citizens of the United States, to receive, examine, and decide upon the amount and validity of all the claims of all persons included in the description above mentioned.

(3) That it should make payment of such claims as may be admitted and adjusted by the said commissioners, or the major part of them, to to an amount not exceeding $5,000,000.

The limit of the liability of the United States was to the payment of $5,000,000, and that payment to be made to the persons whose claims had been admitted and adjusted by said commissioners, or a major part of them.

IV.

The ratifications of the treaty were to be exchanged within six months from its signature, or by the 22d of August, 1819. It was not, in fact, ratified until the 29th of October, 1820. The claim of Mr. Meade at the time of the signing of the treaty, beyond any question, came within its provisions and was provided for by it, precisely as all other claims were provided for. This was understood by all the parties interested. It was also believed at that time, and up to a much later date, that the fund of five millions would be more than sufficient to pay this and all other claims.

By the eighth article of the treaty it was agreed that all grants made since the 24th of January, 1818, when the first proposal on the part of Spain for the cession of the Floridas was made, are declared and agreed to be null and void. This date had been agreed upon on the part of the United States with a c'ear understanding that it included the grants alleged to have been made in the course of the winter preceding the signing of the treaty to three different persons therein named. On the part of Spain there was a refusal to ratify the treaty for the reason that it was unwilling to revoke and annul the aforesaid grants.

The period within which the ratifications were to have been exchanged, expired without its having been ratified. Neither party, however, really abandoned the idea of ratifying the treaty.

The United States, however, on the 21st of August, 1819, the day before the six months expired, notified the Spanish Government that all the claims of the United States, which, with the spirit of moderation, love of peace, and the delusive expectation that all causes of difference and dispute with Spain would thereby be adjusted and settled, they consented to modify or waive, will stand in the same situation as if that convention had never been made; and the United States will hold themselves free to press and enforce them in any and every mode, consistent with honor, that their interest may require. (4 Amer. State Papers, p. 661.)

But our Government did not take any step or do any act inconsistent with the treaty, but, on the contrary, did what it could in a friendly way to promote its final ratification.

Before the signing of the treaty and on the 18th of January, 1819, the American minister at Madrid had transmitted at his request to the Spanish Government two memorials of Mr. Meade relating to his claim, and requesting that the King would "appoint a commission to liquidate the several demands which Mr. Meade has against the Government on account of supplies furnished for the support of its armies, and otherwise during the late war, as well as to consider the compensation due him for his losses and personal sufferings under a late proceeding of the council of war, already declared by His Majesty to have been illegal."

Between the time of signing the treaty, February 22, 1819, and its ratification, October 29, 1820, a junta was appointed by the King of

Spain, before whom Mr. Meade appeared and presented his claim. It made an award in his favor, which the King approved. A certificate of the amount awarded him as due from the Spanish Government was given him, amounting to the sum of $373,879.88.

The United States was not a party to the proceedings before the junta, and no one but Spain and the claimant's ancestors were parties.

More than three months before the time in which the treaty by its terms was to be ratified had expired, and on the 18th day of May, 1819, this Spanish Commission had notified Mr. Meade that they were prepared to receive his proofs and hear his explanations as to his claim. And not long after Mr. Meade appeared before this Commission and presented his "original documents" to establish his claims. They were regarded by Spain as the vouchers for Mr. Meade's accounts, and were accordingly placed in the archives of the Spanish Government.

What induced the Spanish Government, so soon after the treaty had been signed, and so long before the term in which it was to be ratified had expired, to appoint this Commission for its consideration, and to call on Mr. Meade for his proofs and documents, when they had refused for so many years before to in any way consider or adjust his claim, does not appear. Neither does it appear why Mr. Meade was so willing to appear before this Commission rather than one to be appointed by his own Government and of his own countrymen, and before the time for ratification had expired. Of course he knew all about the terms of the treaty.

Perhaps it is not to be inferred that there was collusion between the parties, but the proceeding, to say the least, is a strange one. Mr. Meade knew that the Commission to be appointed by our Government had the right to receive, examine, and decide upon the amount and validity of his and all other claims, and that neither Spain nor any Commission appointed by it had any jurisdiction upon either of these questions under the treaty.

V.

According to the requirements of the treaty, the United States duly appointed a Commission of three to receive, examine, and decide upon the amount and validity of all the claims embraced the fifth renunciation of article 9, above quoted.

Mr. Meade presented his claim, but not in the unliquidated form in which he had submitted it to the State Department, and in the collection of which he had asked the aid of our Government; but he presented the certificate which had been furnished him by the Spanish Government arising from the finding of the Spanish Junta. The Commission rejected his claim upon the ground that, by the treaty they had the right to receive, examine, and decide upon the validity of the claims, Mr. Meade's among them, which had been filed with the State Department, and that they were not bound by the findings or judgment of the Spanish Junta.

After a long delay the claimant requested the Commission, as he had a right to do by the terms of the treaty, to request of the Spanish Government his original papers and proofs which he had delivered them. The Commission complied with his request, but the Spanish Government did not furnish them, certainly not till after the expiration of the three years, the time given the Commission to act, and his claim was finally disallowed by the Commission, on the alleged ground that the evidence produced was not sufficient to establish the same.

The Commission expired June 8, 1824. The full amount of the sums allowed to the different claimants by the Commission was $5,454,545.13.

The treaty limits the extent of the liability of the United States "to an amount not exceeding five millions." The Commission, therefore, found it necessary to "abate each claim allowed pro rata 8⅓ per cent." The fund is thereby exhausted.

VI.

After the rejection of his claim by the commissioners, Mr. Meade applied to Congress for payment, and continued to press it upon Congress until his death in 1828. His widow and executrix continued the application to Congress until her death in 1852.

The eldest son of the claimant, Richard W. Meade, then became the representative of the estate and continued its prosecution. But Congress has never recognized the claim as one that the United States were either equitably or legally bound to pay.

After the establishment of the Court of Claims, February 11, 1856, the Senate, by a resolution, referred the claim to that court for adjudication.

In October, 1859, it rendered a decision by two of the three judges then constituting the court, adverse to the claim.

At that time the jurisdiction of the court only extended to the finding of the ultimate facts, and it was required to report their findings to Congress. The claim, therefore, went back and received the further consideration of Congress.

In February, 1861, another resolution passed the Senate transmitting the claim a second time to that court, but before the second trial took place the act of 1863, reorganizing the court, was passed.

Before any further trial was had in said court, and on the 25th day of July, 1866 (14 Stat. at Large), Congress passed the following joint resolution:

Whereas doubts are entertained whether the claim of the estate of Richard W. Meade, deceased, upon the Government of the United States, is covered and embraced by the ninth section of the act of March 3, 1863, entitled "An act to amend an act to establish a court for the investigation of claims against the United States," approved February 24, 1855, which case was referred to said court by resolution of the Senate passed 27th February, 1861: Now, in order to remove all doubts on that subject,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said claim of Richard W. Meade, administrator of Richard W. Meade, deceased, be, and the same is hereby, referred to the Court of Claims for adjudication thereof, pursuant to authority conferred upon said court by any existing law to examine and decide claims against the United States referred to it by Congress.

Under this joint resolution the case was reheard and fully and ably argued by eminent counsel, and a decision rendered adverse to the claim. From this decision an appeal was taken to the Supreme Court of the United States, when the questions involved were considered, and the decision of the Court of Claims affirmed. (Meade *v.* The United States, 2 Court of Claims, 224; Meade, administrator *v.* The United States, appellee, 7 Court of Claims, 161; Meade *v.* The United States, 9 Wallace, 691.)

These courts hold that the jurisdiction of the commissioners was exclusive and their decision conclusive upon the parties.

VII.

Notwithstanding the decision of these courts, after the fullest investigation, that there is no legal claim upon the Government, the claim is

still pursued upon the ground that Congress is equitably bound to allow it, and the "equities of Congress" are now appealed to.

In considering the question whether there are any equities in the claimant's favor against the Government, it should not be forgotton that this claim was one against Spain and not against the United States.

If Congress has not violated its contract with Spain as found in the treaty, or has not by some wrongful act prevented Mr. Meade from collecting his claim, or has not tortiously converted his property to its use, it is difficult, to see how our Government in any view can be liable to him or how there can be any equity in his favor.

(1) It was claimed by Meade before the courts, and is now, as the committee understand, that his claim was not embraced in the treaty, and the Government without his assent or any authority, having relieved Spain from any liability to him, impliedly promised to pay him the claim. The decision of the court above cited is that his claim was within the treaty, and that our Government had the right by his assent to make the renunciation it did by the fifth article.

Judge Clifford, speaking for the Supreme Court on this point, says:

2. Attempt is also made to maintain the proposition that the power which the claimant gave to the United States to make reclamations in his behalf became revokable by him after the six months fixed by the treaty for the exchange of the ratifications had expired, but the proposition is wholly inadmissable, as the effect would be that whenever any such misunderstanding should arise between the contracting parties the negotiations might be controlled by a single claimant having some pecuniary interest in the treaty.

3. Next suggestion is that the act of the claimant in submitting his claims to the Spanish Commission operated as a full and complete revocation of the power he previously granted to the United States to adjust his claims, but the proposition is even less defensible than the preceding one, as it would enable one of the contracting parties, by making terms with a citizen of the other party, to avoid the obligation of fulfilling a treaty stipulation. (Meade *v.* the U. S., 7 Wal., 724.)

His claim being within the treaty, and thereby his assent, Meade is bound by every rule of good faith and law to abide by the action of his Government in relation to it. The Government had a clear right to make the renunciation it did. He having submitted his claim to the Department of State for that protection which his Government might think proper to grant, he was equitably bound by any compromise or arrangement which the Government might make about it. The law is so pronounced by the court in the case above cited. (De Bode *v.* the Queen, 3 House of Lords cases, 449.)

(2) The contract which our Government made with Spain by the treaty as to the claims of our citizens against Spain, which had been committed to the State Department, has been fully kept and carried out. Nothing has been done by the United States to hinder, embarrass, or prevent any of these claimants, including Mr. Meade, from reaping the full benefit of the terms of that treaty. On the other hand, it has rendered them every assistance within its power.

It has been urged that the decision of the Commissioners disallowing the certificate of the Spanish Junta as proof of Meade's claim submitted to the State Department, and requiring him to prove the claim there presented, was erroneous.

The Supreme Court, in the case above cited, have held that it was correct, but whether it was or not, in what way or upon what principle of law or equity can our Government be held responsible for an erroneous decision of that judicial tribunal, or of any other? The committee are unable to find any.

The Government is not responsible for the laches of its officers or

agents, or the errors of its judicial tribunals. (Gibbons *vs.* The U. S., 8 Wal., 269.)

(3) It is also claimed that the Government, by its exercise of eminent domain, converted the property of the claimant to its use, and has not made compensation.

This is not true in point of fact. Whatever the Government did as to Meade's debt was done under the treaty, and, as above stated, Meade had invoked the friendly offices of our Government to aid him, and was bound by whatever the Government did in relation to his claim, and in no just view could claim more or different compensation than the treaty gave him.

The treaty gave the claimants five millions of dollars to pay their claims, or to pay a pro rata part of their claims if they exceeded that amount. It gave them a tribunal with exclusive jurisdiction to determine the amount and validity of the claims embraced in the treaty, and none of the claimants have any more or greater rights than these provisions secure them.

Meade released his claim for a stipulated consideration, and under a special contract, and his rights and the obligations of the United States are under and according to that contract, which necessarily precludes any resort to the constitutional provision. (Meade *vs.* U. S., 2 C. Cls., 283.)

But if it be assumed that the Government did take Meade's property by virtue of the right of eminent domain, can it be equitably claimed that the Government is liable to Meade? It gave him a tribunal to determine the amount of compensation he should receive, or whether he should receive any. All right to compensation is to be determined in such a case by a tribunal appointed by the sovereign. This has always and everywhere been held to be the rule.

When the special mode of obtaining the compensation is designated by the sovereign, or the power of assessing or deciding upon it belongs in a particular tribunal, are not the ordinary means suspended? Must not the remedy designated be pursued alone? Is not the jurisdiction of the special tribunal exclusive? These questions, we think, must all be answered in the affirmative.

(4) Our Government has paid for the Floridas all that it agreed with Spain to pay. There is no residue of consideration in its hands. There is no balance in money to pay Meade or any one. No claimant has been paid in full. Spain did not furnish the means to do so. The United States paid all it agreed to, and all it was under any moral or equitable obligation to. It released by the treaty its claim to a much larger territory than it received, which came to it by the treaty with France in 1803.

(5) Judge Loring, of the Court of Claims, concludes in his very elaborate opinion with the following:

> On the whole case I am of opinion that the allegations of the petitioner are not proved, but are disproved by the evidence, and that he has no claim against the United States in law or equity.

The committee are unable to see any equitable reason for the allowance of this claim.

That the claimant has been unfortunate, the committee very much regret. They regard this misfortune as the result of his own mistakes. They cannot see why our Government is under any more obligation to compensate him than any other Government or any individual is.

A very able consideration of the questions arising in this case, writte by Senator George, adverse to the claim, are presented in the views the minority to the report of the Committee on Claims of the Senate i the Forty seventh Congress.

Your committee recommend that the bill do not pass, and that it b indefinitely postponed.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1571.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

Mr. ALDRICH, from the Committee on Transportation Routes to the Seaboard, submitted the following

PRELIMINARY REPORT:

The Committee on Transportation Routes to the Seaboard, in partial compliance with the resolutions of the Senate of July 6, 1884, *and January* 20, 1885, *respectfully submit the following report:*

The resolutions referred to are as follows:

Resolved, That the Committee on Transportation Routes to the Seaboard be, and they are hereby, authorized to sit at any place within the United States during the recess of Congress, by a subcommittee or otherwise, to take testimony for the purpose of preparing statistical data relative to freights, commodities, and prices for the period from 1873 to the present time, the committee to report by bill or otherwise; and that the necessary expenses thereof, including the services of a clerk, be paid out of the item for expenses of special and select committees, &c., of the contingent fund of the Senate. (Passed the Senate July 6, 1884.)

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to sit during this session of Congress, by a subcommittee or otherwise, with the same authority given the committee under resolution of July 6, 1884. (Passed the Senate January 20, 1885.)

In complying with the above resolutions of the Senate, the committee adopted a line of inquiry, covering, first, the monthly prices of grain in the principal industrial centers of the country for the years 1873 to 1883, inclusive; secondly, the receipts and shipments of grain for each year during the same period; and, thirdly, the rates of freight charges for the same period, not only from the great terminal points of the through trade, but including, as far as possible, local points of shipments.

The inquiry has also been extended by correspondence to the principal ports and grain centers of Europe and Asia, and the several United States consuls at these points have been requested to furnish the committee statements relative to the prices of grain, sources of supply, points of shipment, and other facts bearing on this branch of the question.

No testimony has as yet been taken, as the committee did not think it advisable to take testimony until they had in their possession all existing data and statistics attainable on the subject.

In the preparation of the first report made by this committee in 1872 the material for such work was exceedingly meager. Only four or five States had railroad commissions. To-day, including the District of Columbia, thirty States have, by special investigations of the legislatures, by the appointment of commissions, or in various other ways recognized the importance of State supervision of railroads, by the collection of data, the publication of reports, and the enacting of laws looking to the

control of rates. These reports, including the reports of the twenty-five State railroad commissions are in the possession of the committee, and the salient features of these State inquiries, including all results and court decisions that are likely to aid in the solution of the problem, will be carefully examined and briefed.

In a similar manner the annual printed reports of the commercial organizations of every city of the United States, issuing such reports, have been obtained, and from these reports brief and uniform tables have been constructed, showing the extent of commerce, rates of freight charges, and such other information as will be useful in the inquiry.

Heretofore no attempt has ever been made to present a uniform exhibit of the receipts and shipments of grain and other important articles of commerce for all cities of the United States. Dependence for such statistics has been placed upon separate reports, which, owing to the different methods of compiling adopted by the several cities, have been of no value in showing the internal commerce of the country as a whole. The preparation of these exhibits has necessarily been a somewhat long and tedious work, which it was impossible to hasten by any clerical force, and which can only be completed by the patient work of an experienced statistician.

Early in the progress of the work the chairman prepared a series of schedules, namely, "Average monthly statement of wholesale prices of cereals," "Receipts of cereals," "Shipment of cereals," "Freight charges by rail and ocean, by all rail, by lake, river, and canal, and by canal, or river and ocean." These schedules were mailed to the principal cities of the country, but we regret to say, as a rule, the local authorities were unable or unwilling to fill them out. The immense amount of labor necessary to present in one formula, statistics that had been compiled to suit the conditions of the trade of a particular town, being repeatedly urged as the reason for the failure to comply with the committee's request. Sums varying from $50 to $250 were demanded to fill out these schedules, and after due deliberation it was thought best not to pay these sums, but to withdraw the schedules entirely and work out the tables in the manner already indicated from the printed reports of the commercial organizations of the cities. This work has been carried out and is completed, so far as the receipts and shipments of grain are concerned, in the following cities:

Portland, Me.;* Boston;* New York;* Buffalo;† Ogdensburg;† Oswego;† Montreal, Canada;† Philadelphia;† New Orleans;† Baltimore;† Pittsburgh;‡ Erie;‡ Cleveland;‡ Cincinnati;‡ Toledo;‡ Indianapolis;‡ Chicago;‖ Saint Louis;§ Kansas City;§ San Francisco;§ Peoria;§ Louisville;§ Nashville;§ Detroit;¶ Milwaukee;¶ Duluth;¶ Saint Paul;¶ Minneapolis;¶ Portland, Oreg.;¶ Astoria, Oregon.¶

A reference to the accompanying map will show that these cities fairly cover the important grain points of the United States.

There is also appended tables showing receipts of flour and wheat at the Atlantic, Pacific, lake, and river ports (See Appendix A, Part VII).

The work on the average monthly statements of wholesale prices of cereals at the various shipping points is progressing as rapidly as possible. It requires an immense amount of detail work to complete these tables, as in the printed reports the returns of each class of cereals are given weekly, and therefore each item has to be averaged for the month, and then the monthly statement averaged for the year. It would seem

* See Appendix A, Part I.
† See Appendix A, Part II.
‡ See Appendix A, Part III.
‖ See Appendix A, Part IV.
§ See Appendix A, Part V.
¶ See Appendix A, Part VI.

to be necessary that these prices of cereals be given for each month, as only by such an exhibit can we ascertain the effect of the water competition on the all-rail routes. Appended is a table showing Chicago prices for the years in question, from which the character of the work can be ascertained. (See Appendix B.)

The committee has also prepared a schedule of rates on wheat from Chicago to New York via all rail, based upon the percentage table of the New York trunk line commission. This table shows the rate of freight in cents per bushel for 239 cities in the States of Michigan, Ohio, Indiana, Illinois, Iowa, Pennsylvania, Wisconsin, Missouri, Kentucky, and West Virginia. (See Appendix C.)

Heretofore all inquiries of this character have been directed more particularly to ascertaining the rates of freight from eight or ten important points of the through traffic. It is generally admitted that through-freight charges are cheap enough, but the most serious complaints come from the shippers from local points to the principal points of shipment. To ascertain as far as possible the rates of freight charges from the smaller cities of the country to the larger shipping points, a schedule has been sent to each city of the United States having over 4,000 inhabitants (nearly 600 cities) calling for the rates of freight on the various kinds of merchandise from the local point to the railroad center of the State.

As soon as the statistics in relation to the movement of grain, its prices at the various railroad centers of the country, and the rates of freight charges (local and through) are completed, it is the committee's intention to present similar tables in relation to the movement, prices, and rates of freight charges on coal, iron, lumber, and cotton. This line of inquiry is equally important to the business interests of the country. According to the census of 1880, grain forms less than one-quarter of the total tonnage of the railways, while coal, iron, and cotton combined form over one-third.

It has also been found necessary to obtain and examine the laws of the several States relating to railroad commissions, as well as the decisions in railway cases of the supreme courts of most of the States.

The subject is so vast, the mass of undigested material within the reach of the committee so great, and the correspondence (which has not only extended into every State and Territory and important city of the United States, but to all the principal ports of Europe and Asia) so extensive, that the time has been entirely inadequate for that thorough investigation which would be of value in solving the problem. All the available material bearing on the railroad question in all its phases, including all the former reports issued by the Government on the subject, and the various State reports, will be carefully examined with the view of presenting the information in a condensed form, and a clear report of what has already been done in this direction will form an intelligent basis for taking testimony.

APPENDIX A, PART I.

Receipts and exports of flour and wheat at Portland, Me., for eleven years, from 1873 *to* 1883, *inclusive.*

Years.	Receipts.		Exports.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	552, 227	135, 340	.....	.....
1874	668, 777	401, 745	.....	.....
1875	536, 761	475, 521	.....	.....
1876	286, 149	1, 147, 040	.....	.....
1877	64, 843	1, 350, 000	.....	.....
1878	86, 417	2, 166, 410	.....	.....
1879	161, 864	1, 710, 511	.....	.....
1880	187, 232	1, 189, 940	.....	.....
1881	200, 206	1, 008, 787	.....	.....
1882	100, 575	822, 052	.....	.....
1883	166, 046	1, 369, 538	.....	.....

Receipts and exports of flour and wheat at Boston, from 1873 *to* 1883, *inclusive.*

Years.	Receipts.		Exports.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	1, 795, 272	880, 747	231, 361	486, 13[illegible]
1874	1, 890, 487	1, 362, 017	287, 710	1, 662, 38[illegible]
1875	1, 637, 972	1, 035, 109	271, 171	784, 941
1876	1, 830, 985	504, 767	268, 093	112, 215
1877	1, 860, 223	2, 061, 579	231, 370	1, 612, 814
1878	1, 756, 557	3, 953, 280	385, 629	3, 888, 6[illegible]
1879	2, 368, 585	5, 967, 808	840, 299	4, 884, 514
1880	2, 666, 263	3, 923, 316	1, 090, 023	3, 388, 416
1881	2, 103, 796	3, 525, 937	1, 099, 858	3, 116, 6[illegible]
1882	3, 049, 761	3, 369, 537	1, 411, 474	2, 711, 1[illegible]
1883	3, 629, 024	1, 997, 047	2, 103, 074	2, 014, 7[illegible]

Receipts of wheat at New York for eleven years, from 1873 *to* 1883, *by percentages of transportation sources.*

Years.	Water.	Rail.*	Years.	Water.	Rail.*
	Per cent.	*Per cent.*		*Per cent.*	*Per cent.*
1873	64. 1	35. 9	1880	50. 8	49. 2
1874	55. 8	44. 2	1881	31. 9	68. 1
1875	64. 6	35. 4	1882	44. 1	55. 9
1876	47. 6	52. 4	1883	61. 5	38. 5
1877	52. 3	47. 7			
1878	42. 9	57. 1	Average 11 years	50. 7	49. 3
1879	42. 6	57. 4			

* For twelve months each year, January 1 to December 31.

Receipts and exports of flour and wheat at New York for eleven years, from 1873 to 1883, inclusive.

Years.	Receipts.		Exports.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	3,513,887	34,624,931	1,661,606	27,753,714
1874	4,047,117	41,863,837	2,185,969	34,771,602
1875	3,997,526	34,369,517	1,968,874	26,232,309
1876	3,982,707	26,411,296	1,954,906	24,945,715
1877	3,687,060	24,854,899	1,571,273	21,795,693
1878	4,675,243	63,169,442	2,811,836	55,170,643
1879	5,639,079	71,246,796	4,230,242	62,342,802
1880	5,422,252	59,492,246	4,220,619	61,908,029
1881	5,730,436	44,297,112	4,510,454	41,788,767
1882	5,909,145	44,857,341	4,623,956	37,620,103
1883	6,305,268	27,087,779	4,441,153	21,712,653

Receipts of wheat at New York during seven (open water) months for eleven years, by percentages of receipts by water and by rail.

Years.	May.		June.		July.		August.		September.		October.		November.	
	Water.	Rail.	Water.	Rail.	Water.	Rail.	Water.	Rail.	Water.	Rail.	Water.	Rail.	Water.	Rail.
	Perct.	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*	*Perct.*
1873	5.0	95.0	80.5	19.5	86.7	13.3	87.1	12.9	59.4	40.6	82.8	17.2	72.5	27.5
1874	58.7	41.3	74.1	25.9	77.0	23.0	63.2	36.8	81.8	18.2	82.8	17.2	74.4	25.6
1875	9.2	90.8	80.0	20.0	79.7	20.3	82.6	17.4	61.1	38.9	79.3	20.7	82.1	17.9
1876	58.4	41.6	61.0	39.0	70.2	29.8	48.1	51.9	31.9	68.1	64.4	35.6	63.0	37.0
1877	62.8	37.2	86.3	13.7	60.0	40.0	26.0	74.0	39.3	60.7	63.9	36.1	68.2	31.8
1878	81.2	18.8	76.5	23.5	43.5	56.5	16.8	83.2	60.1	39.9	77.6	22.4	58.7	41.3
1879	32.7	67.3	48.0	52.0	44.0	56.0	41.0	59.0	59.7	40.3	55.7	44.3	73.8	26.2
1880	81.1	18.9	61.5	38.5	45.0	55.0	47.9	52.1	71.7	28.3	67.3	32.7	58.5	41.5
1881	25.7	74.3	72.8	27.2	42.3	57.7	30.9	69.1	34.0	66.0	30.0	70.0	46.6	53.4
1882	60.3	39.7	33.3	66.7	27.9	72.1	47.5	52.5	49.3	50.7	68.0	32.0	63.1	36.9
1883	82.0	18.0	86.0	14.0	82.2	17.8	56.2	43.8	78.4	21.6	86.0	14.0	80.6	19.4
Average	50.6	49.4	69.1	30.9	59.9	40.1	49.8	50.2	57.0	43.0	68.9	31.1	67.4	32.6

Average for the seven months: water, 60.4 per cent.; rail, 39.6 per cent.

Receipts of wheat at New York City by rail and water, by months, for the years 1873 to 1883, inclusive.

Months.	1873.			1874.			1875.		
	Rail.	Water.	Total.	Rail.	Water.	Total.	Rail.	Water.	Total.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Jan	511,605	.....	511,605	2,686,672	53,660	2,740,332	311,920	427	312,347
Feb	246,440	.....	246,440	2,811,848	.....	2,811,848	698,608	.....	698,608
Mar	229,150	.....	229,150	1,423,840	.....	1,423,840	816,420	.....	816,420
Apr	438,560	250	438,810	2,200,827	62	2,200,889	1,266,465	68	1,266,533
May	1,615,962	86,997	1,702,959	2,354,648	3,343,127	5,697,775	1,241,573	124,665	1,866,238
June	699,084	2,884,416	3,583,500	1,616,710	4,628,333	6,245,043	876,150	3,430,341	4,306,491
July	535,450	3,485,900	4,021,350	983,100	3,286,079	4,269,179	701,692	2,765,438	3,467,130
Aug	269,967	1,822,707	2,092,683	859,225	1,474,280	2,333,505	981,644	4,661,599	5,643,243
Sept	2,010,099	2,936,862	4,946,961	827,255	3,725,024	4,552,279	1,536,510	2,412,480	3,948,990
Oct	1,535,604	7,387,534	8,923,138	788,056	3,788,988	4,577,044	927,140	3,552,359	4,479,499
Nov	1,042,078	2,753,248	3,795,326	976,985	2,839,529	3,816,514	1,114,733	5,119,675	6,234,408
Dec	2,940,629	178,200	3,118,829	939,060	169,856	1,108,916	1,704,628	124,982	1,829,610
Total	12,074,637	21,536,114	33,610,751	18,468,226	23,308,938	41,777,164	12,177,483	22,192,034	34,369,517

Receipts of wheat at New York City by rail and water, by months, &c.—Continued.

Months.	1876.			1877.			1878.		
	Rail.	Water.	Total.	Rail.	Water.	Total.	Rail.	Water.	Total.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Jan	968, 107	1, 122	969, 229	326, 330	176	326, 506	3, 806, 112	519	3, 806, 631
Feb	469, 094	225	469, 319	189, 300	2, 000	191, 300	3, 903, 056	8, 300	3, 911, 356
Mar	941, 711	125	941, 836	56, 450	70	56, 522	3, 415, 738	25, 499	3, 441, 237
Apr	1, 462, 440	11, 536	1, 473, 976	263, 550	1, 070	264, 620	2, 295, 790	165, 577	2, 461, 367
May	1, 739, 977	2, 471, 713	4, 211, 690	186, 300	314, 340	500, 640	1, 254, 358	5, 442, 436	6, 696, 794
June	2, 114, 410	3, 310, 127	5, 424, 537	160, 575	1, 018, 524	1, 179, 099	704, 417	2, 289, 585	2, 994, 002
July	962, 480	2, 247, 878	3, 210, 358	174, 839	252, 232	427, 071	2, 101, 788	1, 618, 522	3, 720, 310
Aug	578, 100	537, 135	1, 115, 235	1, 641, 718	575, 507	2, 217, 225	6, 771, 949	1, 372, 272	8, 144, 221
Sept	709, 742	331, 491	1, 041, 233	2, 195, 849	1, 420, 147	3, 615, 996	3, 695, 016	5, 577, 943	9, 272, 959
Oct	887, 883	1, 603, 848	2, 491, 731	2, 835, 585	5, 027, 276	7, 862, 861	1, 964, 482	6, 813, 654	8, 778, 136
Nov	1, 133, 602	1, 927, 509	3, 061, 111	1, 983, 006	4, 258, 547	6, 241, 553	2, 592, 086	3, 684, 393	6, 276, 479
Dec	1, 875, 382	125, 659	2, 001, 041	1, 848, 142	123, 364	1, 971, 506	3, 576, 642	89, 308	3, 665, 950
Total	13, 842, 928	12, 568, 368	26, 411, 296	11, 861, 646	12, 993, 253	24, 854, 899	36, 081, 434	27, 088, 008	63, 169, 442

Months.	1879.			1880.			1881.		
	Rail.	Water.	Total.	Rail.	Water.	Total.	Rail.	Water.	Total.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Jan	2, 254, 300	876	2, 255, 176	1, 067, 176	.....	1, 067, 176	1, 680, 594	480	1, 681, 074
Feb	3, 489, 378	1. 037	3, 490, 415	571, 448	314	571, 762	1, 066, 570	.....	1, 066, 570
Mar	3, 991, 394	2, 116	3, 993, 510	2, 467, 002	202	2, 467, 204	2, 484, 026	223, 626	2, 707, 652
April	3, 393, 650	116	3, 393, 766	2, 653, 385	32, 288	2, 685, 673	37, 170, 086	89, 442	3, 806, 528
May	2, 591, 569	1, 255, 421	3, 846, 990	965, 800	4, 156, 497	5, 122, 297	3, 581, 318	1, 241, 476	4, 822, 794
June	2, 153, 112	1, 990, 366	4, 143, 478	3, 456, 362	5, 524, 367	8, 980, 729	1, 386, 878	3, 705, 169	5, 192, 047
July	4, 178, 766	3, 288, 601	7, 467, 367	4, 863, 644	3, 978, 240	8, 841, 884	3, 424, 496	2, 513, 942	5, 938, 438
Aug	5, 827, 930	4, 057, 588	9, 885, 518	3, 375, 176	3, 104, 664	6, 479, 840	3, 641, 083	1, 624, 272	5, 265, 355
Sept	4, 026, 386	5, 965, 899	9, 992, 285	1, 670, 636	4, 229, 767	5, 900, 403	3, 751, 026	1, 935, 324	5, 686, 350
Oct	5, 171, 578	6, 490, 292	11, 661, 870	2, 439, 212	5, 017, 582	7, 456, 794	2, 578, 852	1, 099, 638	3, 678, 490
Nov	2, 276, 320	6, 419, 777	8, 696, 097	2, 951, 894	4, 164, 180	7, 116, 074	1, 831, 206	1, 596, 184	3, 427, 390
Dec	1, 469, 473	950, 851	2, 420, 324	2, 796, 352	6, 058	2, 802, 410	1, 041, 000	83, 424	1, 124, 424
Total	40, 823, 856	30, 422, 940	71, 246, 796	29, 278, 087	30, 214, 159	59, 492, 246	30, 184, 135	14, 112, 977	44, 297, 112

Months.	1882.			1883.		
	Rail.	Water.	Total.	Rail.	Water.	Total.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
January	1, 835, 880	808	1, 836, 688	1, 899, 798	100	1, 899, 898
February	1, 396, 746	.....	1, 396, 746	1, 246, 694	218	1, 246, 912
March	755, 684	3, 108	758, 792	1, 516, 672	4, 082	1, 520, 754
April	596, 128	192, 458	788, 586	568, 100	17, 618	585, 718
May	878, 878	1, 334, 698	2, 213, 576	423, 500	1, 929, 521	2, 353, 021
June	3, 063, 544	1, 528, 532	4, 592, 076	362, 500	2, 227, 546	2, 590, 046
July	3, 042, 298	1, 161, 800	4, 204, 098	229, 500	1, 060, 100	1, 289, 600
August	4, 075, 500	3, 684, 858	7, 760, 358	1, 481, 550	1, 899, 806	3, 381, 356
September	2, 658, 929	2, 591, 431	5, 250, 360	1, 193, 628	4, 330, 020	5, 523, 648
October	2, 304, 000	4, 900, 077	7, 204, 077	519, 116	3, 177, 838	3, 696, 954
November	2, 388, 714	4, 090, 270	6, 478, 984	457, 000	1, 907, 600	2, 364, 600
December	2, 054, 500	318, 500	2, 373, 000	534, 776	100, 496	635, 272
Total	25, 050, 801	19, 806, 540	44, 857, 341	10, 432, 834	16, 654, 945	27, 087, 779

The details of figures given per month by sources do not add up the aggregate reported for the years 1873 and 1874 as receipts. Therefore, 1873 + 1,014,180 and 1874 + 86,673 bushels received from other sources during the years.

***Receipts** of flour at New York City by rail and water, by months, from* 1873 *to* 1883, *inclusive.*

Months.	1873.			1874.			1875.		
	Rail.	Water.	Total.	Rail.	Water.	Total.	Rail.	Water.	Total.
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
Jan	161, 619	11, 823	173, 442	355, 528	20, 131	375, 659	235, 627	13, 170	248, 797
Feb	157, 650	15, 852	173, 502	259, 387	22, 692	282, 079	177, 039	9, 025	186, 064
Mar	174, 077	12, 235	186, 312	257, 240	26, 207	283, 447	242, 865	24, 949	267, 814
Apr	295, 493	18, 823	314, 316	366, 246	41, 775	408, 021	267, 729	28, 367	296, 096
May	264, 374	32, 963	297, 337	266, 523	39, 862	306, 385	197, 499	35, 943	233, 442
June	335, 924	30, 773	366, 697	295, 808	40, 756	336, 564	315, 257	30, 783	346, 040
July	238, 099	19, 177	257, 276	279, 877	46, 992	326, 869	272, 751	44, 805	317, 556
Aug	246, 041	21, 336	267, 377	231, 737	42, 700	274, 437	285, 640	48, 692	334, 332
Sept	302, 997	19, 364	322, 361	248, 405	32, 441	280, 846	270, 287	50, 337	320, 624
Oct	391, 327	58, 503	449, 830	355, 554	83, 024	438, 578	397, 199	58, 137	455, 336
Nov	287, 648	45, 131	332, 779	299, 271	52, 340	351, 611	454, 307	89, 683	543, 990
Dec	262, 840	21, 936	284, 776	317, 816	32, 380	350, 196	417, 747	29, 688	447, 435
Total	3, 118, 089	307, 916	*3, 426, 005	3, 533, 392	481, 300	†4, 014, 692	3, 533, 947	463, 579	3, 997, 526

Months.	1876.			1877.			1878.		
	Rail.	Water.	Total.	Rail.	Water.	Total.	Rail.	Water.	Total.
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
Jan	343, 298	19, 938	363, 236	200, 960	4, 886	205, 846	350, 465	30, 764	381, 229
Feb	225, 257	13, 408	238, 665	231, 886	17, 086	248, 972	288, 938	23, 629	312, 567
Mar	260, 120	20, 925	281, 045	167, 951	20, 680	188, 631	300, 157	27, 897	328, 054
Apr	247, 572	34, 869	282, 441	196, 759	38, 746	235, 505	280, 120	44, 199	324, 319
May	264, 239	42, 625	306, 864	211, 493	35, 097	246, 590	301, 596	45, 673	347, 269
June	314, 127	34, 322	348, 449	170, 289	31, 705	201, 994	223, 142	39, 868	263, 010
July	251, 697	30, 803	282, 500	156, 713	36, 848	193, 561	263, 934	43, 860	307, 794
Aug	288, 178	58, 057	346, 235	304, 887	51, 928	356, 815	373, 953	51, 440	425, 393
Sept	311, 915	47, 892	359, 807	273, 733	45, 738	319, 471	388, 891	38, 608	427, 499
Oct	351, 943	42, 702	394, 645	444, 979	53, 971	498, 950	483, 702	45, 062	528, 764
Nov	400, 325	39, 127	439, 452	417, 787	60, 597	478, 384	464, 006	38, 712	502, 718
Dec	312, 412	26, 936	339, 368	471, 706	40, 635	512, 341	491, 351	35, 276	526, 627
Total	3, 571, 103	411, 604	3, 982, 707	3, 249, 143	437, 917	3, 687, 060	4, 210, 255	464, 988	4, 675, 243

Months.	1879.			1880.			1881.		
	Rail.	Water.	Total.	Rail.	Water.	Total.	Rail.	Water.	Total.
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
Jan	324, 459	17, 028	341, 487	387, 558	19, 602	407, 160	510, 979	21, 330	532, 309
Feb	438, 443	21, 588	460, 031	222, 869	14, 447	237, 316	459, 441	7, 399	466, 840
Mar	475, 749	17, 955	493, 704	335, 780	14, 635	350, 415	551, 397	24, 577	575, 956
Apr	387, 430	27, 342	414, 772	311, 304	23, 382	334, 686	493, 326	27, 315	520, 641
May	368, 027	29, 945	397, 972	332, 909	21, 695	354, 604	385, 589	25, 402	410, 991
June	365, 746	15, 121	380, 867	406, 495	18, 282	424, 777	438, 157	24, 835	462, 992
July	371, 649	19, 766	391, 415	381, 884	25, 512	407, 396	443, 995	19, 876	463, 871
Aug	509, 689	23, 797	533, 486	549, 569	28, 130	577, 699	455, 545	19, 563	475, 108
Sept	468, 896	22, 287	491, 183	418, 458	28, 983	447, 441	397, 965	19, 213	417, 178
Oct	575, 316	20, 180	595, 496	472, 241	32, 171	504, 412	464, 264	12, 805	477, 069
Nov	573, 062	17, 863	590, 925	650, 148	40, 365	690, 513	484 172	22, 312	506, 484
Dec	525, 316	22, 425	547, 741	657, 413	28, 420	685, 833	402, 270	18, 727	420, 997
Total	5, 383, 782	255, 297	5, 639, 079	5, 126, 628	295, 624	5, 422, 252	5, 487, 082	243, 354	5, 730, 436

* 87,882 barrels from other sources. † 32,425 barrels from other sources.

Receipts of flour at New York City by rail and water, by months, &c.—Continued.

Months.	1882.			1883.		
	Rail.	Water.	Total.	Rail.	Water.	Total.
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
January	389, 093	9, 846	398, 939	816, 737	15, 888	832, 625
February	447, 531	3, 872	451, 403	484, 299	13, 717	498, 016
March	423, 285	15, 609	438, 894	539, 520	9, 893	549, 413
April	245, 791	18, 218	264, 009	363, 042	13, 037	376, 079
May	372, 133	16, 368	388, 501	375, 372	17, 512	392, 884
June	340, 424	18, 172	358, 596	366. 263	14, 732	380, 995
July	334, 531	17, 751	352, 282	359, 402	11, 159	370, 561
August	506, 442	21, 045	527, 487	430, 443	20, 193	450, 636
September	468, 404	16, 014	484, 418	499, 547	19, 627	519, 174
October	642, 224	19, 364	661, 588	595, 229	22, 077	617, 306
November	716, 490	20, 767	737, 257	616, 795	14, 566	631, 361
December	832, 152	13, 619	845, 771	667, 604	18, 614	686, 218
Total	5, 718, 500	190, 645	5, 909, 145	6, 114, 253	191, 015	6, 305, 268

Receipts of wheat at New York, by months, from 1873 *to* 1883, *inclusive.*

Months.	1873.	1874.	1875.	1876.	1877.	1878.	1879.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
January	511, 605	2, 740, 332	312, 347	969, 229	326, 506	3, 806, 631	2, 255, 176
February	246, 440	2, 811, 848	698, 608	469, 319	191, 300	3, 911, 356	3, 490, 415
March	229, 150	1, 423, 840	816, 420	941, 836	56, 522	3, 441, 237	3, 986, 510
April	438, 810	2, 200, 889	1, 266, 533	1, 473, 976	264, 620	2, 461, 367	3, 393, 768
May	1, 702, 059	5, 697, 775	1, 366, 238	4, 211, 690	500, 640	6, 696, 794	3, 846, 980
June	3, 583, 500	6, 245, 043	4, 306, 491	5, 424, 537	1, 179, 099	2, 994. 002	4, 143, 678
July	4, 021, 350	4, 269, 179	3, 467, 130	3, 210, 358	427, 071	3, 720, 310	7, 467, 367
August	2, 092, 683	2, 333, 505	5, 643, 243	1, 115, 235	2, 217, 225	8, 144, 221	9, 885, 518
September	4, 946, 061	4, 552, 279	3, 948, 990	1, 041, 233	3, 615, 996	9, 272, 959	9, 992, 285
October	8, 923, 138	4, 577, 044	4, 479, 499	2, 491, 731	7, 862, 861	8, 778, 136	11, 661, 570
November	3, 795, 326	3, 816, 514	6, 234, 408	3, 061, 111	6, 241, 553	6, 276, 479	8, 696, 697
December	3, 118, 829	1, 108, 916	1, 829, 610	2, 001, 041	1, 971, 506	3, 665, 950	2, 420, 236
Total	33, 610, 751	41, 777, 164	34, 369, 517	26, 411, 296	24, 854, 899	63, 169, 442	71, 246, 796

Months.	1880.	1881.	1882.	1883.	Total for 11 years.	Yearly average.	Per cent.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	
January	1, 067, 176	1, 681, 074	1, 836, 688	1, 899, 898	17, 406, 662	1, 582, 424	3.7
February	571, 762	1, 066, 570	1, 396, 746	1, 246, 912	16, 101, 276	1, 463, 752	3.4
March	2, 467, 204	2, 707, 652	758, 792	1, 520, 754	18, 356, 917	1, 668, 811	3.9
April	2, 685, 673	3, 806, 528	788, 586	585, 718	19, 366, 466	1, 760, 588	4.1
May	5, 122, 297	4, 822, 794	2, 213, 576	2, 353, 021	38, 534, 774	3, 503, 161	8.1
June	8, 980, 729	5. 092, 047	4, 592, 076	2, 590, 046	49, 131, 048	4, 466, 459	10.4
July	8, 841, 884	5, 938, 438	4, 204, 098	1, 289, 600	46, 856, 785	4, 259, 708	10.0
August	6, 479, 840	5, 265, 355	7, 760, 358	3, 381, 356	54, 318, 539	4, 938, 049	11.5
September	5, 900, 403	5, 686, 350	5, 250, 360	5, 523, 648	59, 731, 464	5, 430, 133	12.7
October	7, 456, 794	3, 678, 490	7, 204, 077	3, 696, 954	70, 810, 594	6, 437, 326	15.1
November	7, 116, 074	3, 427, 390	6, 478, 984	2, 364, 600	57, 508, 536	5, 228, 049	12.2
December	2, 802, 410	1, 124, 424	2, 373, 000	635, 272	23, 051, 282	2, 095, 571	4.9
Total	59, 492, 246	44, 297, 112	44, 857, 341	27, 087, 779	471, 174, 343	42, 834, 031	100.0

Receipts for December, January, February, March, April, and May are .....28.2 per cent. of total.
Receipts for June, July, August, September, October, and November are.....61.8 per cent. of total.

APPENDIX A, PART II.

Receipts of wheat and flour at Buffalo, by water and rail.

Years.	Water.*		Rail.†	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
.....	1, 259, 205	30, 618, 372	1, 707, 101	4, 038, 097
.....	1, 693, 585	29, 778, 572	1, 204, 209	5, 751, 020
.....	1, 810, 402	32, 967, 686	635, 800	2, 933, 800
.....	807, 210	19, 324, 612	1, 211, 800	3, 323, 000
.....	693, 044	23, 284, 405	1, 100, 400	4, 219, 900
.....	911, 980	35, 419, 136	1, 007, 400	8, 243, 200
.....	897, 105	37, 788, 501	1, 187, 700	12, 916, 700
.....	1, 317, 911	40, 510, 229	925, 100	11, 084, 000
.....	1, 851, 250	18, 495, 320	889, 800	8, 343, 400
.....	1, 199, 350	26, 050, 030	690, 390	9, 499, 800
.....	2, 071, 570	24, 105, 420	626, 455	6, 060, 200

* Lake Shore and Michigan Central. † Lake.

ments of wheat and flour from Buffalo by rail and water from 1873 to 1883, inclusive.

Years.	Water (by canal).		Rail (Erie & New York Central).*	
	Wheat.	Flour.	Wheat.	Flour.
.....	.....	.....	24, 569, 088	113, 616
.....	4, 658, 080	.....	21, 672, 048	49, 182
.....	6, 198, 393	.....	23, 177, 151	54, 251
.....	5, 984, 722	.....	12, 577, 243	2, 137
.....	9, 323, 348	.....	13, 270, 420	4, 216
.....	9, 173, 439	.....	25, 838, 877	2, 811
.....	9, 677, 469	.....	25, 708, 699	4, 750
.....	8, 575, 129	.....	29, 920, 111	22, 739
.....	9, 173, 439	.....	12, 886, 762	4, 465
.....	4, 384, 650	.....	19, 506, 566	7, 567
.....	3, 884, 320	.....	17, 824, 272	5, 349

Not including through rail shipments from the West, but from elevators of lake receipts only.

ipts and shipments of flour and wheat at Buffalo, N. Y., for eleven years, from 1873 to 1883, inclusive.

Years.	Receipts.*		Shipments.†	
	Flour.	Wheat.	Flour.	Wheat.‡
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
.....	2, 966, 306	34, 656, 469	.....	24, 569, 088
.....	2, 897, 884	35, 529, 592	.....	26, 330, 128
.....	2, 446, 202	35, 901, 486	.....	29, 375, 544
.....	2, 019, 010	22, 647, 612	.....	18, 561, 965
.....	1, 793, 444	27, 504, 305	.....	22, 593, 768
.....	1, 919, 380	43, 662, 336	.....	35, 007, 316
.....	2, 084, 805	50, 705, 201	.....	35, 386, 168
.....	2, 243, 011	51, 594, 229	.....	38, 495, 240
.....	1, 941, 050	26, 838, 720	.....	22, 060, 201
.....	1, 889, 740	35, 549, 830	.....	23, 891, 216
.....	2, 698, 025	30, 165, 620	.....	21, 708, 592

Not including import receipts from Canada since 1876. † Including amount imported.
Lake and rail shipments. Imports were, in 1881, 6,906 barrels of flour, 3,317 bushels wheat; 1882, barrels of flour, 18,533 bushels wheat; 1883, 115 barrels of flour, 252,200 bushels wheat.

Average freight rates on wheat by lake from Chicago to Buffalo for eleven years, from 1873 to 1883, inclusive, per bushel.

Years.	May.	June.	July.	August.	September.	October.	November.	Season.	
								Highest.	Average.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1873	7.4	6.5	6.1	6.5	12.6	7.8	7.4	14	7.8
1874	4.5	4.2	3.3	3.1	3.5	4.1	4.6	6	3.9
1875	3.9	3.0	2.8	2.5	2.4	3.7	5.9	6½	3.5
1876	3.0	2.5	1.9	2.2	2.6	4.4	3.7	5	2.9
1877	3.5	2.4	2.6	4.0	4.0	4.9	4.5	6	3.7
1878	2.5	2.1	1.7	3.2	4.4	3.6	4.5	7	3.1
1879	3.1	2.1	2.5	4.9	5.3	7.7	7.0	8.5	4.7
1880	5.0	7.1	5.8	5.6	4.4	6.8	7.1	8.5	5.7
1881	4.7	4.1	2.6	3.1	3.2	2.5	2.2	5½	3.2
1882	2.2	2.6	1.9	2.3	2.4	2.9	3.0	3½	2.5
1883	3.0	2.5	2.5	3.8	4.6	3.8	4.0	5½	3.5

Average freight rates on wheat by canal from Buffalo to New York for eleven years from 1873 to 1883, inclusive, per bushel.

Years.	May.	June.	July.	August.	September.	October.	November.	Season.	
								Highest.	Average.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1873	11.8	10.6	10.2	10.6	11.6	12.7	12.3	14	11.4
1874	11.8	11.3	9.5	9.0	9.5	9.5	9.7	14	10
1875	7.4	6.9	7.5	8.1	7.0	8.2	10.5	11	7.9
1876	6.7	6.2	5.9	5.8	6.2	8.3	7.6	10	6.6
1877	5.8	5.0	5.4	7.0	7.7	10.9	10.0	12	7.4
1878	5.8	4.7	4.3	5.2	8.0	8.0	5.8	8.5	6
1879	4.7	4.1	5.2	6.5	8.1	8.0	10.2	12	6.8
1880	6.9	6.9	6.0	5.9	5.9	6.7	8.8	9	6.5
1881	5.3	4.7	4.3	4.0	4.8	5.0	5.0	7	4.7
1882	4.9	4.3	4.4	5.4	5.8	6.8	6.1	8	5.4
1883	5.0	4.3	3.9	4.6	6.3	5.5	4.6	6.5	4.9

Receipts and shipments of flour and wheat at Ogdensburg for eleven years from 1873 to 1883, inclusive.

Years.	Receipts.		Shipments.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	107,303	1,134,309		
1874	66,928	1,300,527		
1875	3,443	482,272		
1876	28,951	559,290		
1877	60,000	1,101,073		
1878	22,581	1,091,147		
1879	41,215	426,269		
1880	18,000	576,058		
1881	6,596	610,596		
1882	*12,448	608,327		
1883†				

* Estimated. † No return.

pts and shipments of flour and wheat at Oswego, N. Y., for eleven years, from 1873, *to* 1883, *inclusive.*

Years.	Receipts.		Shipments.*	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
.....	.....	4, 284, 461	37, 911	1, 775, 308
.....	182	6, 821, 723	41, 802	3, 699, 627
.....	.....	3, 072, 400	16, 101	996, 037
.....	.....	2, 641, 300	8, 923	689, 653
.....	.....	3, 165, 153	8, 839	965, 169
.....	.....	1, 894, 599	12, 589	728, 635
.....	.....	1, 972, 207	6, 797	858, 015
.....	.....	1, 113, 223	7, 184	582, 188
.....	.....	1, 718, 503	7, 023	845, 970
.....	.....	1, 560, 822	7, 531	675, 811
.....	.....	1, 603, 032	3, 999	754, 421

'anal shipment (no other data); difference between receipts and canal shipments would give rail ments approximately.

ipts and exports of flour and wheat at Montreal for eleven years, from 1873 *to* 1883, *inclusive.*

Years.	Receipts.		Exports.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
.....	1, 130, 666	9, 788, 730	858, 872	8, 083, 450
.....	1, 075, 353	7, 192, 284	831, 256	7, 556, 576
.....	1, 023, 551	8, 615, 238	843, 590	7, 173, 589
.....	915, 331	6, 388, 130	738, 075	5, 097, 694
.....	823, 873	7, 218, 092	749, 247	5, 848, 363
.....	916, 379	7, 390, 095	716, 793	6, 802, 822
.....	770, 259	11, 296, 634	723, 984	10, 461, 221
.....	735, 596	9, 637, 124	739, 007	9, 084, 266
.....	787, 955	7, 077, 125	632, 821	6, 554, 622
.....	882, 507	8, 203, 356	775, 862	6, 913, 290
.....	1, 012, 706	6, 080, 911	776, 242	5, 008, 167

heat and flour imported into the Dominion of Canada for ten years, (1872–'73 *to* 1883).

Years.	Wheat.	Flour.
	Bushels.	*Barrels.*
-'73	5, 821, 390	273, 265
.....	8, 405, 616	288, 056
.....	5, 105, 158	467, 786
.....	5, 838, 156	376, 114
.....	4, 589, 051	549, 063
.....	5, 635, 411	314, 520
.....	4, 768, 733	315, 044
.....	7, 521, 594	113, 035
.....	7, 339, 689	236, 434
.....	2, 931, 220	200, 716

ie above amounts of wheat and flour can safely be taken as imported from the United States.

Receipts and exports of flour and wheat at Philadelphia from 1873 to 1883, inclusive.

Years.	Receipts.*		Shipments.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	954, 680	4, 372, 800	143, 029	1, 938, 87
1874	815, 636	5, 471, 700	186, 663	1, 289, 53
1875	922, 190	5, 550, 800	161, 291	3, 302, 65
1876	970, 781	4, 485, 000	188, 845	2, 961, 80
1877	740, 330	4, 107, 400	99, 694	2, 548, 20
1878	979, 380	11, 976, 250	187, 851	8, 785, 10
1879	936, 880	20, 079, 600	158, 220	17, 348, 06
1880	933, 944	15, 123, 330	250, 063	12, 217, 68
1881	1, 009, 976	8, 321, 605	176, 016	9, 608, 88
1882	1, 268, 332	6, 732, 472	192, 201	5, 838, 62
1883	1, 348, 959	5, 038, 175	363, 342	4, 416, 87

* Receipts nearly all by rail.

Receipts and exports of flour and wheat at New Orleans from 1873 to 1883, inclusive.

Years.	Receipts.		Exports.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873, August 31	1, 046, 024	896	62, 841	.....
1874	1, 001, 504	325, 287	176, 745	265, 72
1875	864, 242	145, 485	74, 219	206, 30
1876	791, 701	82, 812	93, 792	37, 16
1877	631, 602	110, 561	34, 208	105, 27
1878	639, 304	1, 048, 857	38, 042	538, 60
1879	619, 461	3, 128, 914	40, 230	2, 796, 60
1880	626, 418	5, 169, 497	102, 361	5, 344, 51
1881	642, 460	6, 707, 982	60, 543	4, 430, 61
1882	729, 749	2, 890, 698	66, 119	6, 100, 23
1883, December 31	726, 291	2, 372, 430	37, 680	2, 222, 44

Years ending August 31 as to receipts (1872 to 1873).

Receipts and exports of flour and wheat at Baltimore, Md., from 1873 to 1883, inclusive.

Years.	Receipts.		Exports.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	1, 312, 612	2, 810, 617	359, 556	1, 158, 07
1874	1, 560, 997	6, 389, 834	479, 758	3, 556, 94
1875	1, 391, 843	4, 409, 670	453, 107	2, 044, 43
1876	1, 389, 538	3, 945, 274	426, 094	1, 659, 86
1877	1, 171, 248	7, 331, 540	364, 381	5, 479, 56
1878	1, 412, 652	22, 017, 120	590, 150	19, 610, 79
1879	1, 333, 232	34, 634, 426	448, 359	32, 144, 34
1880	1, 378, 587	36, 414, 393	486, 891	33, 768, 98
1881	1, 248, 257	20, 933, 255	413, 808	19, 676, 64
1882	1, 227, 264	17, 898, 569	465, 481	17, 564, 44
1883	1, 158, 380	17, 146, 432	441, 477	15, 375, 08

eipts of flour and wheat at Baltimore by rail per Baltimore and Ohio Railroad and Northern Central.

Years.	Flour.	Wheat.		
		Baltimore and Ohio Railroad.	Northern Central Railroad.	Total.
	Barrels.	*Bushels.*	*Bushels.*	*Bushels.*
73	*853, 490	969, 700		
74	*994, 178	2, 863, 500		
75	*847, 446	786, 566		
76	*822, 913	1, 199, 800		
77	*693, 068	3, 511, 200		
78	*791, 626	11, 338, 598		
79				
80	† 515, 472	16, 616, 710	14, 517, 809	‡31, 134, 519
81	† 537, 223	8, 038, 943	9, 881, 465	‡17, 920, 408
82	† 618, 166	7, 535, 240	7, 475, 977	‡15, 011, 217
83	† 608, 157	5, 672, 957	7, 339, 452	‡13, 012, 409

* By Baltimore and Ohio only; no report for Northern Central.
† By Northern Central only, as report for Baltimore and Ohio includes corn meal and flour.
‡ Difference between total receipts and figures "C" received by water and wagon.

Receipts of wheat at Baltimore, by months.

Months.	1873.	1874.	1875.	1876.	1877.	1878.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
anuary					146, 398	894, 391
ebruary					116, 849	921, 243
larch					84, 146	513, 606
pril					88, 742	749, 836
lay					83, 627	761, 340
une					152, 397	530, 486
uly					640, 596	2, 727, 749
ugust					1, 579, 943	4, 449, 767
eptember					1, 887, 472	3, 800, 364
ctober					1, 618, 996	2, 629, 737
lovember					716, 870	2, 636, 486
ecember					915, 504	1, 402, 115
Total	2, 810, 617	6, 389, 834	4, 409, 670	3, 945, 274	7, 331, 540	22, 017, 120

Months.	1879.	1880.	1881.	1882.	1883.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
anuary	1, 283, 601	905, 155	1, 217, 479	351, 805	1, 135, 123
ebruary	1, 487, 206	606, 412	1, 149, 332	219, 733	1, 072, 183
larch	1, 620, 163	1, 594, 703	1, 820, 692	207, 206	1, 102, 482
pril	1, 295, 919	2, 214, 042	1, 597, 683	278, 688	491, 547
lay	1, 633, 861	1, 491, 124	2, 047, 625	284, 765	1, 122, 200
une	1, 450, 066	2, 528, 115	2, 186, 629	332, 890	629, 769
uly	5, 122, 955	6, 960, 099	2, 206, 603	2, 707, 361	1, 732, 315
ugust	5, 548, 110	6, 837, 690	4, 237, 114	5, 499, 398	4, 504, 591
eptember	5, 787, 763	3, 021, 739	1, 267, 327	3, 303, 772	2, 542, 381
ctober	5, 602, 173	4, 107, 711	1, 248, 247	1, 758, 142	1, 055, 231
lovember	2, 107, 884	4, 196, 279	1, 115, 265	1, 591, 217	1, 043, 987
ecember	1, 694, 725	1, 951 324	839, 259	1, 363, 592	714, 623
Total	34, 634, 426	36, 414, 393	20, 933, 255	17, 898, 569	17, 146, 432

APPENDIX A, PART III.

Receipts and shipments of flour and wheat at Pittsburgh, Pa., for eleven years, from to 1883, inclusive.

Years.	Receipts.		Shipments.	
	Flour.	Wheat.	Flour.	Whea
	Barrels.	*Bushels*	*Barrels.*	*Bushe*
1873	396, 605	571, 042		
1874	467, 176	712, 268		
1875	399, 608	374, 762		
1876	503, 267	426, 665		
1877	338, 976	250, 915		
1878	340, 901	212, 026		
1879	357, 411	461, 617		
1880	388, 382	579, 076		
1881	385, 238	574, 236		
1882	386, 810	576, 656		
1883	576, 010	879, 984		

Receipts and shipments of flour and wheat at Erie, Pa., from 1873 to 1883, inclusive.

Years.	Receipts.*		Shipments.†	
	Flour.	Wheat.	Flour.	Wheat
	Barrels.	*Bushels.*	*Barrels.*	*Bushel*
1873	216, 309	2, 511, 756		
1874	314, 058	3, 624, 580		
1875	320, 990	3, 093, 681		
1876	184, 983	1, 791, 762		
1877	86, 151	2, 475, 642		
1878	314, 408	3, 547, 504		
1879	368, 203	3, 243, 533		
1880	595, 904	3, 976, 720		
1881	492, 572	2, 029, 497		
1882	870, 308	1, 630, 009		
1883	803, 029	649, 619		

* By lake from Chicago, Milwaukee, Toledo, Sandusky¶ and from canal ports (about 90 per cent.).
† Shipments by rail, Philadelphia; about 40 per cent.; Baltimore, about 30 per cent.; New Yo
about 30 per cent.

Receipts and shipments of flour and wheat at Cleveland, Ohio, from 1873 to 1883, inclusi

Years.	Receipts.		Shipments.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	1, 015, 689	890, 403	127, 334	920,
1874	964, 632	1, 446, 791		
1875	70, 720	1, 000, 000		
1876	59, 318	847, 100		
1877	65, 488	767, 475		
1878	73, 133	863, 695		
1879	140, 571	1, 574, 856		
1880	134, 666	2, 069, 700	123, 392	956,
1881	152, 083	768, 338	105, 364	200,
1882	199, 807	857, 154	143, 122	1, 278,
1883	155, 660	2, 106, 905	239, 678	832,

Shipments of flour and wheat from Cincinnati by rail and water, 1873–1883, inclusive.

Years.	Flour.		Wheat.	
	Rail (including canal).	Water (river).	Rail (including canal).	Water (river).
	Barrels.	*Barrels.*	*Bushels.*	*Bushels.*
1873	466, 396	94, 433	327, 766	84, 956
1874	433, 703	118, 071	472, 482	311, 508
1875	354, 674	118, 786	353, 606	247, 016
1876	302, 299	93, 918	356, 293	201, 959
1877	230, 945	65, 428	851, 997	109, 757
1878	323, 652	60, 302	2, 689, 174	177, 908
1879	339, 792	58, 861	3, 262, 429	120, 958
1880	506, 788	56, 776	3, 669, 178	129, 988
1881	575, 146	67, 192	1, 687, 687	185, 383
1882	518, 806	94, 023	3, 053, 743	72, 756
1883	962, 037	52, 342	2, 053, 941	23, 802

NOTE.—River including shipments to New Orleans and other points.

Through receipts and shipments of wheat at Cincinnati for six years.

Years.	Receipts.	Shipments.	Years.	Receipts.	Shipments.
	Bushels.	*Bushels.*		*Bushels.*	*Bushels.*
1878	4, 465, 714	3, 238, 243	1881	9, 348, 917	8, 858, 528
1879	5, 523, 645	4, 483, 899	1882	7, 767, 722	7, 316, 387
1880	5, 180, 891	4, 145, 286	1883	5, 306, 873	4, 768, 842

Receipts and shipments of flour and wheat at Cincinnati, Ohio, for eleven years, from 1873 to 1883, inclusive.

[Crop year, September 1 to August 31.]

Years.	Receipts.		Shipments.	
	Flour (including city manufactured).	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	765, 469	860, 454	560, 829	412, 722
1874	774, 916	1, 221, 176	551, 774	783, 990
1875	697, 578	1; 135, 388	473, 460	600, 622
1876	636, 504	1, 052, 952	396, 217	558, 252
1877	540, 128	1, 436, 851	296, 373	961, 754
1878	606, 667	3, 405, 113	383, 954	2, 867, 082
1879	613, 914	3, 834, 722	398, 653	3, 383, 387
1880	771, 900	4, 289, 555	563, 564	3, 799, 166
1881	852, 955	2, 908, 675	642, 338	1, 873, 070
1882	779, 625	4, 166, 245	612, 829	3, 126, 499
1883	1, 144, 464	3, 305, 214	1, 014, 379	2, 077, 743

Difference between receipts and shipments used in Cincinnati. The above does not include through shipments.

Receipts and shipments of flour and wheat at Toledo, Ohio, from 1873 *to* 1883, *inclusive.*

Years.	Receipts (including Toledo manufactured).		Shipments (not including "taken by city trade").	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	1, 159, 250	5, 765, 729	1, 078, 250	4, 911, 981
1874	967, 768	10, 107, 382	879, 268	8, 342, 069
1875	581, 558	6, 511, 326	602, 117	5, 344, 186
1876	536, 158	8, 503, 299	411, 158	7, 897, 733
1877	556, 335	7, 693, 382	456, 355	7, 111, 211
1878	751, 812	16, 981, 247	646, 812	17, 041, 324
1879	801, 901	19, 645, 392	681, 901	18, 567, 542
1880	877, 816	24, 969, 983	757, 816	23, 806, 142
1881	648, 319	12, 853, 383	528, 319	12, 668, 430
1882	987, 800	15, 855, 420	922, 800	15, 431, 300
1883	1, 000, 079	24, 695, 625	900, 079	21, 898, 315

NOTE.—Receipts by lake, rail, canal, and teams. Shipments about four-fifths by rail east.

Receipts and shipments of flour and wheat at Indianapolis for eleven years, from 1873 *to* 1883, *inclusive.*

Years.	Receipts.		Shipments.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	.....	.....	.....	.....
1874	.....	.....	.....	.....
1875	921, 160	1, 025, 835	.....	.....
1876	1, 113, 232	1, 166, 311	.....	.....
1877	907, 950	2, 094, 405	1, 020, 150	4, 173, 665
1878	1, 051, 300	5, 595, 608	1, 176, 200	4, 821, 925
1879	1, 426, 000	8, 802, 708	1, 541, 800	7, 717, 750
1880	1, 677, 750	9, 188, 043	1, 903, 375	7, 842, 250
1881	854, 520	5, 098, 540	955, 520	4, 334, 650
1882	.....	.....	.....	.....
1883	.....	.....	.....	.....

NOTE.—Receipts and shipments all by rail.

APPENDIX A, PART IV.

Summary of Chicago receipts and shipments of wheat and flour for eleven years (1873 *to* 1883, *inclusive*) *by aggregates.*

WHEAT.

Receipts and shipments compared.	Eleven years.	Average per year.	Per cent.	Percent east.
	Bushels.	*Bushels.*		
Total receipts	256, 535, 161	23, 321, 378	100	.....
Total shipments	231, 184, 697	21, 016, 791	90	.....
Remaining in elevators, storehouses, and mills	25, 350, 464	2, 304, 587	10	.....
Shipments east:				
By lake	143, 217, 849	19, 552, 665	93	65.5
By rail	71, 861, 469			34.5
Shipped in other directions	16, 105, 379	1, 464, 126	7	.....

FLOUR.

	Barrels.	*Barrels.*		
Total receipts	39, 279, 360	3, 570, 851	100	.....
Total shipments	33, 087, 080	3, 007, 916	84	.....
Remaining in mills, storehouses, &c	6, 192, 280	562, 935	16	.....
Shipments east:				
By lake	4, 630, 182	2, 905, 769	97	14.0
By rail	27, 333, 272			86.0
Shipped in other directions	1, 123, 626	102, 147	3	.....

Receipts and shipments of wheat and flour at Chicago for the years 1873 *to* 1883, *inclusive.*

Years.	Shipments.		Receipts.*	
	Wheat.	Flour.	Wheat.	Flour.
	Bushels.	*Barrels.*	*Bushels.*	*Barrels.*
73	26, 226, 562	2, 751, 739	24, 455, 657	2, 303, 490
74	29, 764, 622	2, 911. 346	27, 634, 587	2, 306, 576
75	24, 206, 370	2, 875, 356	23, 184, 349	2, 285, 113
76	16, 574, 058	3, 226, 271	14, 361, 950	2, 634, 438
77	14, 164, 515	2, 984, 386	14, 909, 160	2, 482, 305
78	29, 713, 577	3, 338, 846	24, 211, 739	2, 779, 649
79	34, 106, 109	3, 655, 862	31, 006, 789	3, 090, 540
80	23, 541, 607	3, 411, 430	22, 796, 288	2, 862, 737
81	14, 824, 990	5, 053, 439	17, 127, 540	4, 499, 743
82	23, 008, 596	4, 480, 270	19, 767, 884	3, 843, 067
83	20, 364, 155	4, 590, 235	11, 728, 754	3, 999, 431
Total	256, 535, 161	39, 279, 360	231, 184, 697	33, 087, 080

* Includes the flour made in Chicago from wheat receipts, amounting in the eleven years to 2,946,508 barrels.

Sources of receipts (or supply) of wheat and flour at Chicago, during the years from 1873 *to* 1883, *inclusive.*

Years.	Wheat.			Flour.*		
	Lake.	Canal.	Rail.	Lake.	Canal.	Rail.
	Bushels.	*Bushels.*	*Bushels.*	*Barrels.*	*Barrels.*	*Barrels.*
73	39, 490	20, 915	26, 206, 157	47, 875	15, 180	2, 424, 321
74	120, 482	26, 167	29, 617, 973	44, 719	20, 923	2, 601, 037
75	15, 061	51, 349	24, 139, 960	17, 036	47, 992	2, 561, 755
76	4, 106	14, 897	16, 555, 055	22, 735	81, 805	2, 850, 657
77	69, 828	3, 646	14, 091, 041	18, 010	76, 962	2, 596, 170
78	8, 415	40, 027	29, 665, 135	15, 531	57, 551	2, 957, 480
79	321, 477	28, 356	33, 756, 276	36, 176	42, 314	3, 291, 468
80	481, 233	2, 737	23, 057, 637	48, 435	50, 020	3, 116, 934
81	414, 955	3, 134	14, 406, 901	31, 344	12, 085	4, 771, 810
82	33, 874	118, 124	22, 856, 598	33, 784	53, 891	4, 092, 227
83	7, 228	275	20, 356, 652	36, 113	87, 913	4, 171, 489
Total	1, 516, 149	309, 627	254, 709, 385	351, 758	545, 736	35, 435, 358

* Flour, actual receipts, not including manufactured at Chicago.

Receipts of flour and wheat in Chicago, by crops, since 1872, *and the equivalent of both in wheat.*

From August 1 to December 31.	Flour*.	Wheat.	Equal to wheat.	From January 1 to July 31.	Flour.*	Wheat.	Equal to wheat.	Year harvested.	Equal to wheat from the crop.
	Barrels.	*Bushels.*	*Bushels.*		*Barrels.*	*Bushels.*	*Bushels.*		*Bushels.*
72	731, 484	10, 190, 435	13, 482, 113	1873	1, 382, 372	7, 338, 150	13, 558, 824	1872	27, 040, 937
73	1, 105, 004	18, 928, 412	23, 900, 935	1874	1, 600, 375	16, 210, 067	23, 816, 754	1873	47, 717, 689
74	976. 304	13, 554, 555	17, 947, 923	1875	1, 527, 843	12, 206, 732	19, 082, 025	1874	37, 029, 948
75	1, 098, 040	11, 999, 638	16, 940, 818	1876	1, 635, 534	8, 355, 710	15, 715, 613	1875	32, 656, 431
76	1, 319, 663	8, 218, 318	14, 156, 832	1877	1, 286, 742	1, 921, 017	6, 711, 356	1876	21, 868, 188
77	1, 404, 400	12, 243, 498	18, 563, 298	1878	1, 766, 972	11, 584, 302	19, 535, 676	1877	38, 098, 974
78	1, 263, 590	18, 129, 275	23, 815, 430	1879	1, 839, 631	13, 575, 041	21, 853, 335	1878	45, 668, 765
79	1, 530, 337	20, 531. 068	27, 417, 584	1880	1, 461, 085	9, 002, 765	15, 577, 648	1879	42, 995, 232
80	1, 754, 304	14, 538, 842	22, 433, 210	1881	2, 845. 021	7, 478, 756	20, 281, 350	1880	42, 714, 560
81	1, 970, 218	7, 346, 234	16, 212. 215	1882	2, 065, 884	6, 779, 588	16, 076, 066	1881	32, 288, 281
82	2, 112, 028	16, 229, 008	25, 733, 134	1883	2, 413, 586	5, 225, 812	16, 086, 459	1882	39, 693, 082
83	1, 881, 929	15, 138, 343	23, 607, 023	.....	.....	.....	.....	.....	.....

* Actual receipts, not including flour made in Chicago.

But little new wheat reaches Chicago before August 1, and but little of the previous year's harvest delayed beyond July 31.

1879	17, 622, 196	330, 257	12, 282, 323	2, 675, 402	29, 905, 119	3, 0
1880	16, 685, 046	527, 873	4, 728, 425	2, 263, 723	21, 413, 471	2. 73
1881	7, 688, 072	159, 415	7, 680, 269	4, 231, 351	18, 368, 341	4. 23
1882	14, 944, 258	792, 764	2, 389, 645	2, 871, 171	17, 333, 903	3. 66
1883	7, 067, 657	801, 099	2, 590, 806	3, 062, 326	9, 658, 463	3, 86
Total	143, 217, 849	4, 630, 182	71, 861, 469	27, 333, 272	215, 079, 318	31. 96

Average freight charges per bushel of wheat from Chicago to New York by water (la Erie Canal, and Hudson River); by lake and rail (lakes to Buffalo and by rail to York); and by all rail, during the years 1876 *to* 1883, *inclusive.*

Years.	All water.	Lakes and rail.	All rai
	Cents.	*Cents.*	*Cents.*
1876	9. 9	11. 9	
1877	7. 5	15. 8	
1878	10. 1	11. 4	
1879	13. 0	13. 3	
1880	13. 2	15. 7	
1881	8. 8	10. 5	
1882	8. 8	9. 0	
1883	9. 0	11. 7	
Average	10. 0	12. 4	

APPENDIX A, PART V.

Receipts and shipments of wheat and flour at Saint Louis for the years 1873 *and* 188 *clusive.*

Years.	Receipts.		Shipments.	
	Wheat.	Flour.*	Wheat.	Flo
	Bushels.	*Barrels.*	*Bushels.*	*Bar*
1873	6, 185, 038	2, 716, 744	1, 210, 286	2, 5
1874	8, 255, 221	3, 257, 100	1, 938, 841	2, 9
1875	7, 604, 265	2, 785, 202	1, 562, 453	2, 4
1876	8, 037, 574	2, 513, 378	2, 630, 007	2, 2
1877	8, 274, 151	1, 675, 853	2, 410, 190	2, 2
1878	14, 325, 431	3, 221, 626	6, 900, 802	2, 6
1879	17, 093, 362	3, 750, 185	7, 302, 076	3, 0

Sources of supply of flour at Saint Louis from 1873 to 1883, inclusive.

Years.	By rail.				
	East.	West.	South.	North.	Total.
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
1873	579, 144	203, 980	231, 243	22, 000	1, 036, 367
1874	765, 912	295, 715	286, 543	19, 000	1, 367, 170
1875	314, 045	243, 433	467, 369	50, 864	1, 075, 711
1876	234, 178	246, 233	402, 144	14, 918	897, 473
1877	232, 387	279, 687	468, 596	19, 497	1, 000, 161
1878	184, 536	315, 833	622, 129	30, 225	1, 152, 723
1879	.....	.....	.....	.....	.....
1880	350, 409	446, 123	618, 161	94, 250	1, 508, 943
1881	359, 153	451, 106	486, 505	157, 071	1, 453, 835
1882	457, 034	585, 176	645, 650	131, 918	1, 819, 778
1883	378, 443	446, 718	438, 498	179, 152	1, 442, 781

Years.	By water.*					By wagons, &c.—local.	Total manufactured flour.
	East.	West.	South.	North.	Total.		
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
1873	19, 440	11, 259	88, 895	94, 172	223, 766	46, 324	1, 296, 457
1874	13, 940	10, 923	78, 586	117, 765	221, 214	95, 514	1, 683, 898
1875	16, 873	2, 082	68, 115	91, 529	178, 599	46, 071	1, 300, 381
1876	13, 577	4, 733	63, 909	51, 040	133, 259	40, 702	1, 071, 434
1877	13, 732	4, 173	36, 828	38, 279	93, 012	64, 759	1, 157, 932
1878	5, 317	9, 859	31, 859	39, 946	86, 981	65, 632	1, 305, 336
1879	.....	.....	.....	.....	.....	.....	1, 607, 236
1880	9, 013	5, 276	35, 680	53, 958	103, 927	91, 004	1, 703, 874
1881	9, 210	14, 660	34, 851	52, 137	110, 858	56, 303	1, 620, 996
1882	7, 205	4, 095	59, 933	79, 828	151, 061	32, 585	2, 003, 423
1883	3, 310	4, 700	54, 549	65, 876	128, 435	14, 454	1, 585, 670

* Illinois, Missouri, and Mississippi Rivers.

Sources of supply of wheat at Saint Louis.

Years.	West.	South.			East.	North.	Local—wagons, &c.	Total.
	By rail and river (Missouri).	By river.	By rail west of Mississippi River.	By rail east of Missouri River.	By rail and Illinois River.	By rail and river.		
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
1873	.....	.....	.....	.....	.....	.....	.....	6, 185, 038
1874	.....	.....	.....	.....	.....	.....	.....	8, 255, 221
1875	.....	.....	.....	.....	.....	.....	.....	7, 604, 265
1876	.....	.....	.....	.....	.....	.....	.....	8, 037, 574
1877	.....	.....	.....	.....	.....	.....	.....	8, 274, 151
1878	.....	.....	.....	.....	.....	.....	.....	14, 325, 431
1879	.....	.....	.....	.....	.....	.....	.....	17, 093, 362
1880	.....	.....	.....	.....	.....	.....	.....	21, 022, 275
1881	7, 819, 478	330, 900	422, 033	115, 667	2, 028, 053	903, 609	1, 623, 831	13, 243, 571
1882	12, 229, 248	1, 149, 529	1, 322, 094	1, 629, 318	2, 196, 684	756, 239	1, 491, 875	20, 774, 987
1883	9, 576, 258	537, 021	592, 452	613, 351	1, 452, 166	874, 596	1, 354, 860	15, 000, 704

Comparative receipts of wheat at Saint Louis by means of transportation.

Years.	By rail and river.	By rail.	By rivers.	By wagons.	Total.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
1873	.....	.....	.....	.....	6, 185, 038
1874	.....	5, 106, 763	2, 771, 552	376, 906	8, 255, 221
1875	.....	.....	.....	.....	7, 604, 265
1876	7, 782, 615	.....	.....	254, 959	8, 037, 574
1877	.....	.....	.....	.....	8, 274, 151
1878	13, 479, 995	.....	.....	815, 436	14, 325, 431
1879	.....	.....	.....	.....	17, 093, 362
1880	.....	.....	.....	.....	21, 022, 275
1881	.....	9, 715, 568	1, 904, 172	1, 623, 831	13, 243, 571
1882	.....	16, 379, 690	2, 903, 422	1, 491, 875	20, 774, 987
1883	.....	11, 712, 580	1, 933, 264	1, 354, 860	15, 000, 704

Receipts of flour and wheat at Saint Louis by crops since 1873, and the equivalent of both in wheat.

Crop year ending July 31—	Flour.*	Wheat.	Equal to wheat.
	Barrels.	*Bushels.*	*Bushels.*
1873	1,311,837	6,361,054	12,264,329
1874	1,429,860	7,863,835	14,298,205
1875	1,561,557	6,815,883	13,842,480
1876	1,143,188	7,720,852	12,885,188
1877	948,290	7,988,571	12,255,876
1878	1,336,567	10,633,615	16,648,167
1879	1,409,773	16,425,504	22,769,488
1880	1,690,546	18,402,828	26,010,286
1881	1,799,826	19,131,109	27,230,336
1882	1,597,096	13,501,506	20,688,436
1883	2,013,273	18,275,150	27,834,879

* Not including flour made in Saint Louis.

Shipments of wheat from Saint Louis by directions and means of transportation from 1873 to 1883.

Years.	Southward.		Eastward.		Westward by boat and rail.‡	Northward and local by boat and rail.	Total.
	By boat and rail.*	Direct to Europe by New Orleans.	By boat and rail.†	Direct to Europe by New York.			
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
1873	.....	.....	.....	.....	.....	.....	1,210,[illegible]
1874	.....	.....	.....	.....	.....	.....	1,938,941
1875	.....	.....	.....	.....	.....	.....	1,562,453
1876	.....	.....	.....	.....	.....	.....	2,630,[illegible]
1877	.....	.....	.....	.....	.....	.....	2,410,130
1878	.....	.....	.....	.....	.....	.....	6,900,[illegible]
1879	.....	.....	.....	.....	.....	.....	7,302,978
1880	.....	.....	.....	.....	.....	.....	11,313,879
1881	893,254	4,197,981	1,640,318	134,610	3,676	51,791	6,921,630
1882	368,574	5,637,391	6,015,427	125,467	4,018	295,183	12,446,060
1883	617,129	1,276,673	4,365,324	.....	2,772	168,867	6,430,765

* Rail and Mississippi River. † Rail and Illinois and Ohio Rivers. ‡ Rail and Missouri River.

Shipment of flour from Saint Louis by directions from 1873 to 1883, inclusive.

Years.	Southward.		Eastward.			Westward by boat and rail.	North and local points.	Total.
	By boat.	By rail.	By boat.	By rail.				
				States.	To Europe direct.			
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
1873	1,266,045	323,078	951	893,761	.....	16,799	5,581	2,506,215
1874	1,186,799	533,077	8,918	1,223,694	.....	22,481	6,791	2,981,760
1875	797,039	643,641	21,383	985,092	.....	27,659	6,063	2,480,877
1876	768,304	436,825	36,361	942,378	.....	16,676	17,084	2,217,578
1877	565,475	483,812	23,717	1,199,985	.....	7,928	14,740	2,295,657
1878	565,744	451,913	8,835	1,612,939	.....	6,950	24,359	2,670,740
1879	.....	.....	.....	.....	.....	.....	.....	3,045,635
1880	644,593	700,819	32,967	903,234	975,970	18,315	11,875	3,292,803
1881	632,038	871,386	17,156	829,896	309,391	8,312	29,366	2,698,545
1882	726,513	934,968	9,368	961,094	623,211	17,463	32,948	3,305,765
1883	553,804	1,080,422	7,886	587,813	481,421	9,593	30,243	2,751,183

Average rates from Saint Louis and East Saint Louis per barrel of flour to four Atlantic seaport cities, by all rail.

Years.	New York.			Boston.			Philadelphia.			Baltimore.		
	January 1 to April 21.	April 22 to November 26.	November 26 to December 31.	First 4 months.	Next 6 months.	Last 2 months.	First 4 months.	Next 6 months.	Last 2 months.	First 4 months.	Next 6 months.	Last 2 months.
	Cents.	*Cents.*	*Cents*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1878	70	58	75	80	68	85	65	54	71	85	52	69
1881	70	43	37	75	48	42	68	41	35	67	40	34
1882	37½	52	64	42½	57	69	35½	50	62	34½	49	61
1883	70	58	68	75	63	73	68	56	66	67	55	65

Rates cut at various times and demoralized. In 1883 rates per all rail to Memphis, 40 cents; Vicksburg, 55 cents; New Orleans, 55 cents per barrel.

Average rates from Saint Louis per 100 pounds and per bushel of wheat to five Atlantic seaport cities.

Years.	All rail.				New Orleans.	
	New York.	Boston.	Philadelphia.	Baltimore.	Steamboat, in sacks.	Barges, per bushel.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1876	39½	44½	37½	36½	.....	.....
1877	41	46	39	38	21	8½
1878	38	43	36	35	17½	7¼
1879	33½	38½	31½	30½	18	7¾
1880	42	47	40	39	19	8¼
1881	32	37	30	29	20	6
1882	29½	34½	27½	26½	20	6 5/16
1883	33	38	31	30	17¾	5½

Rates on grain from Saint Louis elevators, 2 cents per 100 pounds more than East Saint Louis.

Receipts and shipments of flour and wheat at Kansas City, Mo., from 1873 to 1883, inclusive.

Years.	Receipts.		Shipments.	
	Flour, not including city manufactured.	Wheat.	Flour, including city manufactured.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	.....	750, 400	.....	.....
1874	.....	371, 273	.....	.....
1875	.....	1, 256, 337	.....	.....
1876	.....	1, 820, 297	.....	.....
1877	112, 021	2, 259, 572	.....	2, 806, 168
1878	179, 674	9, 014, 291	.....	9, 930, 131
1879	247, 971	6, 417, 952	.....	6, 150, 033
1880	23, 894	4, 093, 528	.....	4, 485, 577
1881	114, 661	4, 102, 649	.....	3, 759, 474
1882	236, 867	9, 279, 067	273, 074	8, 408, 937
1883	279, 218	9, 023, 472	407, 002	8, 796, 307

NOTE.—No attempt was made to systematize flour business until in 1880.

Receipts and exports of flour and wheat at San Francisco from 1873 to 1883, inclusive.

Years.	Receipts.		Exports.	
	Flour.*	Wheat.†	Flour.*‡	Wheat.†
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	222, 279	17, 968, 158	263, 645	16, 371, 147
1874	469, 533	13, 049, 702	644, 710	12, 122, 064
1875	461, 845	16, 346, 293	482, 551	14, 655, 590
1876	457, 365	10, 995, 460	445, 143	10, 227, 440
1877	514, 298	18, 006, 293	524, 885	17, 521, 840
1878	382, 697	7, 424, 730	442, 061	6, 616, 214
1879	472, 155	16, 835, 125	530, 549	16, 687, 693
1880	492, 911	18, 146, 007	496, 572	17, 711, 158
1881	594, 876	27, 028, 807	660, 763	22, 306, 537
1882	810, 844	34, 806, 313	860, 850	37, 132, 575
1883	1, 031, 499	25, 243, 230	1, 099, 652	24, 336, 327

* Given at San Francisco in sacks at 50 pounds.
† Given at San Francisco as centals.
‡ Including home manufactured.

Receipts and shipments of flour and wheat at Peoria, Ill., from 1873 to 1883, inclusive.

Years.	Receipts.		Shipments.	
	Flour.	Wheat.	Flour.*	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	56, 900	911, 458	206, 889	359, 521
1874	50, 058	631, 356	127, 697	186, 638
1875	99, 729	831, 039	136, 755	349, 029
1876	147, 890	677, 620	200, 371	155, 210
1877	122, 766	393, 007	149, 604	153, 860
1878	143, 503	562, 819	116, 095	556, 186
1879	119, 357	733, 225	93, 272	650, 456
1880	221, 602	559, 620	204, 852	546, 255
1881	153, 080	552, 645	136, 573	311, 535
1882	69, 896	374, 540	42, 505	168, 225
1883	76, 047	340, 880	42, 750	187, 130

* Includes flour manufactured at Peoria.

*Receipts and shipments of wheat and flour at Louisville, Ky., for eleven years, from 1879 to 1883, inclusive, by rail and river.**

Years.	Receipts.		Shipments.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1879	48, 615	976, 375	68, 587	672, 460
1880	124, 996	694, 518	131, 505	435, 893
1881	186, 472	444, 191	149, 904	236, 434
1882	181, 872	2, 316, 074	183, 822	1, 939, 138
1883	242, 554	1, 415, 841	269, 019	1, 085, 153

* Nearly 95 per cent. by rail.

Receipts and shipments of flour and wheat at Nashville, Tenn., from 1880 to 1883, inclusive.

Years.	Receipts.		Shipments.	
	Flour.	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1880	518, 350	2, 050, 000	475, 000	1, 535, 000
1881	211, 500	1, 675, 585	166, 500	1, 240, 500
1882	266, 501	2, 251, 500	226, 500	1, 610, 000
1883	364, 165	2, 225, 800	296, 400	1, 715, 500

APPENDIX A, PART VI.

Receipts and shipments of flour and wheat at Detroit, Mich., from 1873 to 1883, inclusive.

Years.	Receipts.		Shipments.	
	Flour (including Detroit manufactured).	Wheat.	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	495, 364	2, 821, 450	476, 137	1, 941, 528
1874	568, 238	5, 281, 903	314, 941	4, 245, 404
1875	422, 595	4, 285, 132	412, 836	3, 907, 480
1876	338, 522	4, 963, 384	303, 234	3, 324, 268
1877	336, 085	4, 717, 406	251, 965	4, 329, 399
1878	292, 380	11, 902, 653	169, 237	10, 964, 183
1879	310, 353	12, 045, 020	141, 501	9, 418, 746
1880	341, 384	9, 835, 164	190, 958	9, 185, 186
1881	449, 278	5, 824, 206	270, 225	4, 793, 067
1882	259, 422	6, 442, 899	228, 487	5, 816, 749
1883	176, 191	6, 857, 366	197, 534	6, 260, 480

NOTE.—Receipts about seven-eighths by rail, balance by lake and teams. Shipments about three-fifths by lake, balance by rail.

Receipts and shipments of flour and wheat at Milwaukee from 1873 to 1883, inclusive.

Years.	Receipts.		Shipments.	
	Flour.*	Wheat.	Flour.†	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Bushels.*
1873	1, 254, 821	28, 437, 937	1, 805, 200	24, 994, 266
1874	1, 616, 338	25, 628, 143	2, 217, 579	22, 255, 380
1875	1, 443, 801	27, 878, 727	2, 163, 346	22, 681, 020
1876	2, 082, 688	18, 174, 817	2, 654, 028	16, 804, 394
1877	1, 930, 440	19, 814, 949	2, 286, 426	18, 298, 485
1878	2, 288, 303	21, 763, 312	2, 630, 022	17, 254, 453
1879	2, 424, 673	19, 649, 352	2, 983, 439	15, 060, 222
1880	2, 419, 176	11, 756, 463	2, 805, 878	9, 952, 629
1881	3, 376, 296	10, 176, 008	4, 034, 288	7, 992, 665
1882	3, 354, 304	8, 058, 422	4, 248, 054	2, 193, 539
1883	3, 370, 799	9, 278, 922	3, 990, 596	3, 109, 439

* Actual exterior receipts. † Including Milwaukee manufactured.

Receipts and shipments of flour at Milwaukee by rail and water from 1873 to 1883, inclusive.

Years.	Receipts.				Shipments.		
	Rail.	Lake.	Wagons.*	Total.	Rail.†	Lake.	Total.
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
1873	1, 217, 180	12, 641	25, 000	1, 254, 821	1, 015, 413	789, 787	1, 805, 200
1874	1, 583, 246	8, 092	25, 000	1, 616, 338	1, 184, 855	1, 032, 724	2, 217, 579
1875	2, 039, 530	18, 158	25, 000	2, 082, 688	2, 010, 051	643, 977	2, 654, 028
1877	1, 885, 896	19, 544	25, 000	1, 930, 440	1, 793, 400	493, 026	2, 286, 426
1879	2, 382, 670	17, 003	25, 000	2, 424, 673	2, 254, 800	728, 639	2, 983, 439
1880	2, 380, 344	13, 832	25, 000	2, 419, 176	1, 867, 303	938, 575	2, 805, 878
1882	3, 310, 592	18, 712	25, 000	3, 354, 304	2, 707, 505	1, 540, 549	4, 248, 054
1883	3, 330, 548	15, 251	25, 000	3, 370, 799	2, 588, 415	1, 402, 181	3, 990, 596

* Estimated. † Include transit lines (Canada).

Receipts and shipments of wheat at Milwaukee by rail and water from 1873 to 1883, inclusi

Years.	Receipts.				Shipments.		
	Rail.	Lake.	Wagons.	Total.	Rail.	Lake.	Tota
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bus*
1873	27,497,111	222,004	738,822	28,457,937	2,191,573	22,802,693	24,99
1874	25,122,222	160,833	345,088	25,628,143	4,365,951	17,889,429	22,25
1876	18,005,263	168,091	1,463	18,174,817	4,049,407	12,754,987	16,80
1877	19,100,325	266,354	448,270	19,814,949	2,071,137	16,227,348	18,29
1879	18,868,823	311,370	469,159	19,649,352	5,105,137	9,955,085	15,0
1880	10,761,206	158,736	836,521	11,756,463	2,926,670	7,025,959	9,9
1882	7,641,357	186,664	230,401	8,058,422	1,367,963	825,576	2,1
1883	8,845,481	178,683	254,758	9,278,922	1,237,444	1,871,995	3,1

Receipts and shipments of flour and wheat at Duluth, from 1873 to 1883, inclusive

Years.	Receipts.		Shipments.	
	Flour.	Wheat.	Flour.	Wh
	Barrels.	*Bushels.*	*Barrels.*	*Bu*
1873	155,023	1,981,453	.....	1,
1874	305,000	2,407,476	.....	2,
1875	263,122	1,137,721	.....	1,
1876	349,700	1,451,190	.....	1,
1877	347,864	460,595	.....	
1878	353,432	1,803,090	.....	1,
1879	511,942	1,524,065	.....	1,
1880	513,348	1,347,679	.....	1,
1881	625,776	3,332,176	.....	2,
1882	338,401	3,266,242	.....	3,
1883	.....	4,707,804	.....	4,

Receipts by rail. Shipments mainly by lake.

Receipts and shipments of flour and wheat at Saint Paul, Minn., from 1882 to 1883, sive.

Years.	Receipts.		Shipments.	
	Flour.*	Wheat.	Flour.†	Wh
	Barrels.	*Bushels.*	*Barrels.*	*Bu*
1882	103,825	3,630,550	205,103	2,
1883	130,705	3,420,800	275,440	2,

* Including manufactured at Saint Paul. † Not including manufactured at Saint P

Receipts and shipments of flour and wheat at Minneapolis, Minn., from 1873 to 1883, sive.

Years.	Receipts.		Shipments.	
	Flour.*	Wheat.	Flour.	Wh
	Barrels.	*Bushels.*	*Barrels.*	*Bu*
1873	.....	.....	585,000	.....
1874	.....	.....	727,000	.....
1875	.....	.....	843,000	.....
1876	41,300	5,037,575	1,000,675	
1877	33,200	4,500,000	935,544	
1878	74,300	4,591,000	940,786	
1879	130,900	7,514,364	1,551,769	
1880	103,000	10,264,100	2,051,840	
1881	262,500	16,317,250	3,142,974	
1882	210,498	18,927,500	3,175,910	2,
1883	208,388	22,124,715	4,046,220	2,

* From mills operated by Minneapolis firms outside city, for eastern shipments, difference b such receipts and shipments is city mill manufactured.

product and exports of the Minneapolis mills for the years from 1873 *to* 1883, *inclusive.*

Years.	Product.	Export.*	Years.	Product.	Export.*
	Barrels.	*Barrels.*		*Barrels.*	*Barrels.*
.....	585, 000	.....	1879.....	1, 551, 789	442, 598
.....	727, 000	.....	1880.....	2, 051, 840	769, 442
.....	843, 000	.....	1881.....	3, 142, 974	1. 181, 322
.....	1, 000, 675	.....	1882.....	3, 124, 919	(†)
.....	935, 544	.....	1883.....	4, 046, 220	1, 343, 105
.....	940, 786	109, 183			

hese exports represent only that which is shipped to foreign countries from the mills on through of lading, and has no reference to sales made to eastern parties for export.
ot reported by the mills, but was about the same as in 1881.

Receipts and exports of flour and wheat at Portland and Astoria, Oreg.

Years.	Receipts.		Exports.	
	Flour.	Wheat.*	Flour.	Wheat.
	Barrels.	*Bushels.*	*Barrels.*	*Centals.*
.....	.....	.....	Both 145, 293	509, 330
.....	.....	.....	Both 230, 211	1, 009, 005
.....	.....	.....	Both 205, 109	1, 333, 896
.....	.....	.....	Both 203, 597	1, 758, 742
PORTLAND REPORT ONLY.				
.....	.....	.....	621, 959	69, 047
.....	474, 011	34, 330	493, 300	35, 407

* August 1 to July 31.

APPENDIX A, PART VII.

Receipts of flour and wheat at Atlantic and Pacific ports from 1873 to 1883, inclusive.

FLOUR.

Ports.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.
ATLANTIC PORTS.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
New York	3, 513, 887	4, 047, 117	3, 997, 526	3, 982, 707	3, 687, 060	4, 675, 243	5, 639, 079	5, 422, 252	5, 730, 436	5, 909, 145	6, 305, 268
Baltimore	1, 312, 612	1, 560, 997	1, 391, 843	1, 389, 538	1, 171, 248	1, 412, 052	1, 333, 232	1, 378, 587	1, 248, 257	1, 227, 264	1, 158, 380
Philadelphia	954, 680	815, 636	922, 190	970, 781	740, 330	979, 380	936, 880	933, 914	1, 009, 976	1, 268, 332	1, 348, 959
Boston	1, 795, 272	1, 890, 487	1, 637, 972	1, 830, 985	1, 860, 223	1, 756, 557	2, 368, 585	2, 666, 263	2, 103, 796	3, 049, 761	3, 629, 024
New Orleans	1, 046, 024	1, 001, 504	864, 252	791, 761	631, 602	639, 304	619, 461	626, 418	642, 460	729, 749	726, 291
Portland, Me	552, 227	668, 777	536, 761	286, 149	64, 843	86, 417	161, 864	187, 232	200, 206	100, 575	166, 046
Montreal	1, 130, 666	1, 075, 353	1, 023, 551	915, 331	823, 873	916, 379	770, 259	735, 596	787, 955	882, 507	1, 012, 706
Total	10, 305, 368	11, 059, 871	10, 374, 085	10, 167, 192	8, 979, 179	10, 465, 932	11, 829, 360	11, 950, 292	11, 723, 086	13, 167, 333	14, 346, 674
PACIFIC PORTS.											
San Francisco	222, 279	469, 533	461, 845	457, 365	514, 298	382, 697	472, 155	492, 911	504, 876	810, 844	1, 031, 499
Portland, Oreg	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	474, 011
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1, 505, 510

WHEAT.

Ports.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.
ATLANTIC PORTS.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
New York	34, 624, 931	41, 863, 837	34, 360, 517	26, 411, 296	24, 854, 899	63, 169, 442	71, 246, 796	59, 492, 246	44, 297, 112	44, 757, 341	27, 087, 779
Baltimore	2, 810, 617	6, 389, 834	4, 409, 670	3, 945, 274	7, 331, 540	22, 017, 120	34, 634, 426	36, 414, 393	20, 933, 255	17, 898, 569	17, 146, 432
Philadelphia	4, 372, 800	5, 471, 700	5, 550, 800	4, 485, 000	4, 107, 400	11, 976, 250	20, 079, 600	15, 123, 330	8, 321, 605	6, 732, 472	5, 038, 175
Boston	880, 747	1, 362, 017	1, 035, 109	504, 767	2, 061, 579	3, 953, 280	5, 967, 808	3, 923, 816	3, 525, 937	3, 369, 537	1, 997, 047
New Orleans	896	325, 287	145, 485	82, 812	110, 561	1, 048, 857	3, 128, 914	5, 169, 497	6, 707, 982	2, 800, 698	2, 372, 430
Portland, Me	135, 340	401, 745	475, 521	1, 147, 040	1, 350, 000	2, 166, 410	1, 710, 511	1, 189, 940	1, 008, 787	822, 052	1, 360, 538
Montreal	9, 788, 730	7, 192, 284	8, 615, 238	6, 388, 130	7, 218, 092	7, 390, 095	11, 296, 634	9, 637, 124	7, 077, 125	8, 203, 356	6, 080, 911
Total	52, 614, 061	63, 006, 704	54, 601, 340	42, 964, 319	47, 034, 071	111, 721, 454	148, 064, 689	130, 949, 846	91, 871, 803	84, 774, 025	61, 092, 312
PACIFIC PORTS.											
San Francisco	17, 968, 158	13, 049, 702	16, 346, 293	10, 995, 460	18, 006, 293	7, 424, 730	16, 835, 125	18, 146, 007	27, 028, 807	34, 806, 318	25, 243, 230
Portland, Oreg	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	34, 330
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	25, 277, 560

FLOUR.

Lake ports.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
Duluth	154,023	305,000	263,122	349,700	347,864	353,432	511,942	513,348	625,776	338,401	.....
Milwaukee	1,254,821	1,616,338	1,413,801	2,082,688	1,930,440	2,288,303	2,424,673	2,419,176	3,376,296	3,354,304	3,370,799
Chicago*	2,751,739	2,911,346	2,875,356	3,226,271	2,984,386	3,338,846	3,655,862	3,411,430	5,053,439	4,480,270	4,590,235
Detroit*	495,304	568,238	422,595	338,522	336,085	292,380	310,353	341,334	449,278	259,422	176,191
Toledo*	1,159,250	967,768	581,558	536,158	556,335	751,812	801,901	877,816	648,319	987,800	1,000,079
Cleveland	1,015,689	964,632	70,720	59,318	65,488	73,133	140,571	134,666	152,083	199,807	155,660
Erie	216,309	314,058	320,990	184,983	86,151	314,408	368,203	595,904	492,572	870,308	803,029
Buffalo	2,966,306	2,897,884	2,446,202	2,019,010	1,793,444	1,919,380	2,084,805	2,243,011	1,941,050	1,889,740	2,698,025

* Including manufactured at points.

WHEAT.

	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.	Bushels.
Duluth	1,981,453	2,407,476	1,137,721	1,451,190	460,595	1,803,090	1,524,065	1,347,679	3,332,176	3,266,242	4,707,804
Milwaukee	28,457,937	25,628,143	27,878,727	18,174,817	19,814,949	21,763,312	19,649,352	11,756,463	10,176,098	8,058,422	9,278,922
Chicago	26,266,562	29,764,622	24,206,370	16,574,058	14,164,515	29,713,577	34,106,109	23,541,607	14,824,990	23,008,596	20,364,155
Detroit	2,821,450	5,281,903	4,285,132	4,963,384	4,717,406	11,902,653	12,045,020	9,835,164	5,824,206	6,442,899	6,857,366
Toledo	5,765,729	10,107,382	6,511,326	8,503,299	7,693,382	16,981,247	19,645,392	24,969,983	12,853,383	15,855,420	24,695,625
Cleveland	890,403	1,466,791	1,000,000	847,100	767,475	863,695	1,574,856	2,069,700	768,338	857,154	2,106,905
Erie	2,511,756	3,624,580	3,093,681	1,791,762	2,475,642	3,547,504	3,243,533	3,967,720	2,029,497	1,630,009	649,619
Buffalo	34,656,469	35,529,592	35,901,486	22,647,612	27,504,305	43,662,336	50,705,201	51,594,229	26,838,720	35,549,830	30,165,620
Oswego	4,284,461	6,821,723	3,072,490	2,641,300	3,165,153	1,894,599	1,972,207	1,113,223	1,718,503	1,560,822	1,603,032

Receipts of flour and wheat at river and interior points, 1873 to 1883, inclusive.

FLOUR.

River points, &c.	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.
	Barrels.	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*	*Barrels.*
Saint Louis*	2,716,744	3,257,100	2,785,202	2,513,378	2,675,853	3,221,626	3,750,185	3,781,499	3,339,425	3,853,639	3,478,303
Cincinnati*	765,469	774,916	697,578	636,504	540,128	606,667	613,914	771,900	852,955	779,625	1,144,464
Pittsburgh	396,605	467,176	399,608	503,267	338,976	340,901	357,411	388,382	385,238	386,810	576,010
Louisville	.....	.....	.....	.....	.....	.....	48,615	124,996	186,472	181,872	242,554
Indianapolis	.....	.....	921,160	1,113,232	907,950	1,051,300	1,426,000	1,677,750	854,520	.....	.....
Kansas City	.....	.....	.....	.....	112,021	179,674	247,971	23,894	114,661	236,867	279,218
Ogdensburg	107,303	66,928	3,443	28,951	60,000	22,581	41,215	18,000	6,896	12,448	.....
Minneapolis†	585,000	727,000	843,000	1,000,675	935,544	940,786	1,551,789	2,051,840	3,142,974	3,175,910	4,046,220
Saint Paul	.....	.....	.....	.....	.....	.....	.....	.....	.....	103,825	130,705
Peoria*	56,900	50,058	99,729	147,890	122,766	143,503	119,357	221,602	153,080	69,896	76,047
Nashville	.....	.....	.....	.....	.....	.....	.....	518,350	211,500	266,501	364,165

* Including manufactured at points.

† Manufactured by Minneapolis firms and shipped.

WHEAT.

	1873.	1874.	1875.	1876.	1877.	1878.	1879.	1880.	1881.	1882.	1883.
	Bushels.	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*
Saint Louis	6,185,038	8,255,221	7,604,265	8,037,574	8,274,151	14,325,431	17,093,362	21,022,275	13,243,571	20,774,987	15,000,704
Cincinnati	860,454	1,221,176	1,135,388	1,052,952	1,436,851	3,405,113	3,834,722	4,289,555	2,908,675	4,166,245	3,305,214
Pittsburgh	571,042	712,268	374,762	426,665	250,915	212,026	461,617	579,076	574,236	576,656	879,984
Louisville	.....	.....	.....	.....	.....	.....	976,375	694,518	444,191	2,316,074	1,415,841
Indianapolis	.....	.....	1,025,835	1,166,311	2,094,405	5,595,608	8,802,708	9,188,043	5,098,540	.....	.....
Kansas City	750,400	371,273	1,256,337	1,820,297	2,259,572	9,014,291	6,417,952	4,093,528	4,102,649	9,279,067	9,023,472
Ogdensburg	1,134,309	1,300,527	482,272	559,290	1,101,073	1,091,147	426,269	576,058	640,596	608,327	.....
Minneapolis	.....	.....	.....	5,037,575	4,500,000	4,591,000	7,514,364	10,264,100	16,317,250	18,927,500	22,124,715
Saint Paul	.....	.....	.....	.....	.....	.....	.....	.....	.....	3,630,550	3,420,800
Peoria	911,458	631,356	831,039	677,620	393,007	562,819	733,225	559,620	552,645	374,540	340,880
Nashville	.....	.....	.....	.....	.....	.....	.....	2,050,000	1,675,585	2,251,500	2,225,800

APPENDIX B.

ge monthly statement of wholesale prices of cereals at Chicago from 1873 *to* 1883, *inclusive.*

1873.

Article.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Yearly average.
WHEAT.													
Northwestern	.....	.....	.....	.....	$1 37	$1 28	$1 26	$1 26	$1 16	$1 09	$1 06	$1 14	$1 20
Northwestern	.....	$1 23	$1 21	$1 20	1 20	1 23	1 19	1 24	1 11	1 05	1 02	1 13	1 17
Spring	$1 27	1 30	1 28	1 27	1 34	1 27	1 25	1 26	1 13	1 07	1 05	1 14	1 22
Spring	1 23	1 23	1 20	1 19	1 29	1 22	1 18	1 22	1 10	1 03	1 01	1 12	1 17
Spring	1 08	1 10	1 08	1 09	1 19	1 11	1 07	1 09	1 03	98	95	1 06	1 07
ted Spring	95	98	93	94	1 02	95	90	95	96	91	90	1 01	95
FLOUR.													
am to Choice White, Winter	8 87	9 53	9 15	8 81	9 10	8 87	8 44	8 17	8 09	7 87	7 95	8 56	8 62
y Minnesota Extras	7 53	7 75	7 62	7 50	7 57	7 12	6 87	7 14	7 15	6 49	6 77	6 97	7 21
e Spring Extras	6 51	6 75	6 70	6 41	6 65	6 27	6 17	6 40	6 41	5 92	5 82	6 04	6 34
non to Good Spring Extras	5 66	5 87	5 72	5 28	5 58	5 34	5 28	5 55	5 59	5 04	4 91	5 16	5 41
g Supers	4 10	4 37	4 12	3 80	3 93	3 59	3 52	3 80	4 06	3 60	3 51	3 72	3 84

1874.

Article.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Yearly average.
WHEAT.													
Northwestern	$1 25	$1 22	$1 24	$1 29	$1 28	$1 25	$1 20	$1 15	$1 05	$1 00	$1 00	$0 95	$1 16
Northwestern	1 23	1 20	1 20	1 24	1 24	1 22	1 17	1 07	99	92	90	91	1 11
Spring	1 23	1 21	1 23	1 28	1 26	1 22	1 16	1 05	1 01	94	92	92	1 12
Spring	1 22	1 19	1 19	1 24	1 22	1 19	1 13	1 02	97	89	88	90	1 09
Spring	1 16	1 14	1 15	1 18	1 17	1 14	1 06	96	91	84	83	84	1 03
ted Spring	1 09	1 08	1 09	1 00	1 08	1 04	97	89	87	80	79	79	97
FLOUR.													
am to Choice White, Winter	8 67	8 68	8 55	8 44	8 30	7 72	7 25	6 75	6 50	6 40	6 12	5 87	7 44
y Minnesota Extras	6 92	6 87	6 87	6 81	6 82	6 81	7 00	7 12	6 75	6 17	5 37	5 37	6 57
e Spring Extras	6 15	6 02	6 01	6 12	6 15	5 86	5 82	5 63	5 26	5 20	5 02	5 00	5 69
non to Good Spring Extras	5 42	5 25	5 25	5 40	5 48	5 19	5 12	5 05	4 74	4 53	4 30	4 30	5 00
g Supers	4 40	4 31	4 44	4 54	4 54	4 37	4 37	4 29	4 00	3 70	3 50	3 50	4 16

1875.

Article.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Yearly average.
WHEAT.													
Northwestern	$0 96	$0 92	$0 98	$1 07	$1 07	$1 04	$1 18	$1 36	$1 27	$1 22	$1 18	$1 12	$1 11
Northwestern	91	87	93	1 03	1 03	1 00	1 14	1 28	1 18	1 14	1 09	1 00	1 05
Spring	92	89	95	1 04	1 04	1 00	1 14	1 29	1 21	1 15	1 10	1 03	1 06
Spring	89	85	90	1 00	1 00	96	1 12	1 21	1 13	1 11	1 07	98	1 02
Spring	83	81	86	95	95	93	1 06	1 14	1 02	97	90	80	98
ted Spring	70	77	80	89	89	84	96	1 04	92	86	78	67	85
FLOUR.													
am to Choice White, Winter	5 75	5 62	5 62	5 84	6 67	6 87	6 95	7 50	7 47	7 22	7 00	6 77	6 61
y Minnesota Extras	5 20	5 02	5 25	5 68	5 75	5 57	6 10	7 03	6 79	6 75	6 41	6 18	5 98
e Spring Extras	4 73	4 52	4 65	4 95	4 96	4 80	5 36	6 16	6 12	6 00	5 54	5 37	5 26
on to Good Spring Extras	4 10	4 00	4 12	4 44	4 50	4 39	4 74	5 37	5 25	5 08	4 77	4 46	4 60
g Supers	3 29	3 12	3 16	3 53	3 72	3 65	3 92	4 29	4 07	3 95	3 95	3 74	3 70

1876.

Article.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Yearly average.
WHEAT.													
Northwestern	$1 14	$1 16	$1 15	$1 15	$1 15	$1 12	$1 06	$1 01	$1 11	$1 15	$1 17	$1 24	$1 13
Northwestern	1 00	1 02	1 02	1 04	1 05	1 06	96	90	1 05	1 11	1 13	1 20	1 04
Spring	1 08	1 09	1 10	1 12	1 10	1 06	1 06	96	1 06	1 11	1 12	1 20	1 08
Spring	99	1 02	1 00	1 02	1 02	1 05	96	89	1 02	1 10	1 11	1 19	1 03
Spring	80	80	85	90	93	92	82	80	93	98	1 01	1 09	90
ted Spring	65	68	74	80	83	81	66	64	76	86	90	95	77
FLOUR.													
am to Choice White, Winter	6 75	6 92	7 31	7 62	7 44	7 06	6 52	6 50	6 82	7 03	7 03	7 05	7 00
Minnesota Extras	6 81	7 12	7 31	7 77	7 78	7 30	6 72	6 72	7 11	7 36	7 28	7 40	7 22
e Spring Extras	5 37	5 47	5 74	6 17	6 37	5 94	5 47	5 50	5 90	6 18	6 19	6 30	5 88
on to Good Spring Extras	4 25	4 44	4 61	5 16	5 34	5 00	4 48	4 37	4 90	5 32	5 34	5 53	4 89
g Supers	3 50	3 59	4 00	4 49	4 52	4 21	3 62	3 56	4 05	4 47	4 41	4 52	4 08

Rejected Spring	99	1 01	96	1 15	1 18	95	87	77	90	95	93		
FLOUR.													
Medium to choice White, Winter	7 37	7 37	7 42	8 69	9 97	9 32	8 81	6 97	6 60	6 62	6 62		
Fancy Minnesota Extras	8 12	8 12	8 12	9 03	10 00	9 52	9 59	8 34	7 95	7 81	7 53		
Choice Spring Extras	6 85	7 00	6 80	7 72	8 64	8 14	8 12	7 06	6 12	6 00	5 91		
Common to Good Spring Extras	6 06	6 12	6 02	6 88	7 68	7 25	7 19	6 16	5 27	5 25	5 01		
Spring Supers	4 75	4 81	4 75	5 59	6 37	5 87	5 56	4 37	4 00	4 00	4 00		

1878.

WHEAT.													
No. 1 Northwestern	$1 11	$1 10	$1 15	$1 17	$1 12	$1 01	$1 00	$1 18	$1 00	$0 88	$0 90		
No. 2 Northwestern	1 07	1 07	1 09	1 11	1 13	97	96	1 08	.....	85	...		
No. 1 Spring	1 08	1 07	1 09	1 12	1 10	98	97	99	89	82	83		
No. 2 Spring	1 06	1 04	1 07	1 10	1 10	97	95	99	87	81	82		
No. 3 Spring	1 00	1 00	1 01	1 04	1 02	86	86	85	77	68	69		
Rejected Spring	88	88	86	87	87	72	62	63	59	52	57		
FLOUR.													
Medium to choice White, Winter	6 41	6 12	6 18	6 37	6 00	5 62	5 47	5 02	4 84	4 81	4 62		
Fancy Minnesota Extras	7 34	7 31	7 45	7 62	7 41	7 25	7 00	7 00	6 91	6 81	6 75		
Choice Spring Extras	5 62	5 72	5 76	6 00	5 80	5 60	5 44	5 80	5 59	5 17	5 07		
Common to Good Spring Extras	4 86	4 88	4 89	5 01	4 97	4 77	4 63	4 73	4 44	4 02	4 02		
Spring Supers	3 91	3 56	3 50	3 50	3 46	3 28	3 30	3 37	3 37	2 95	2 83		

1879.

WHEAT.													
No. 1 Northwestern	$0 87	$0 91	$1 00	$1 00	$1 03	$1 03	$1 01	$0 94	$0 99	$1 18	$1 21	$	
No. 2 Northwestern	83	89	92	90	99	1 04	1 00	86	95	1 13	1 15		
No. 1 Spring	.....	89	97	90	91	.....	96	86	1 03	.....	.....		
No. 2 Spring	83	88	92	88	97	1 04	99	86	93	1 12	1 14		
No. 3 Spring	69	74	80	77	81	81	86	78	89	1 05	1 05		
Rejected Spring	52	58	67	62	67	63	69	65	76	87	88		
FLOUR.													
Medium to choice White, Winter	4 69	5 10	5 37	5 28	5 67	6 17	5 82	5 31	5 51	6 54	6 55		
Fancy Minnesota Extras	6 84	7 19	7 40	7 03	6 95	6 97	6 87	6 87	6 94	7 69	7 77		
Choice Spring Extras	4 62	4 77	4 81	4 55	4 65	5 06	5 02	5 02	5 12	6 12	6 15		
Common to Good Spring Extras	3 75	3 90	3 98	3 77	3 88	4 27	4 20	4 12	4 14	5 03	5 25		
Spring Supers	2 75	2 85	2 85	2 75	2 92	3 19	3 18	3 16	3 27	4 22	4 27		

Average monthly statement of wholesale prices of cereals at Chicago, &c.—Continued.

1881.

Article.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Yearly average.
WHEAT.													
. 1 northwestern	$0 97	$0 98	$1 01	$1 04	$1 10	$1 13	$1 16	$1 26	$1 34	$1 41	.	$1 27	$1 15
. 2 northwestern	98	99	1 02	1 04	1 07	1 12	1 15	1 28	1 30	1 40	$1 31	1 33	1 17
. 1 spring	98	98	1 01	1 02	1 04	1 10	1 13	1 29	1 28	1 35	1 28	1 26	1 14
. 2 spring	85	87	91	94	96	1 00	1 03	1 10	1 18	1 22	1 14	1 13	1 03
. 3 spring	71	72	78	79	77	77	80	81	92	1 02	92	87	82
jected spring	....	....	....	....	....	....	....	....	....	....	....	....	....
FLOUR.													
dium to choice white, winter	5 37	5 37	5 37	5 37	5 37	5 59	6 12	6 43	7 19	7 35	7 00	7 00	6 13
ncy Minnesota extras	6 87	6 87	6 87	6 80	6 62	6 72	6 95	7 31	8 00	8 50	8 12	7 80	7 20
oice spring extras	5 50	5 47	5 34	5 37	5 37	5 52	5 89	6 06	6 75	7 37	6 87	6 75	6 02
mmon to good spring extras	4 55	4 55	4 50	4 50	4 50	4 67	4 87	5 07	5 66	6 00	5 87	5 77	5 04
ring supers	3 37	3 37	3 37	3 37	3 37	3 47	3 77	3 92	4 19	4 62	4 50	4 37	3 81

1882.

Article.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Yearly average.
WHEAT.													
. 1 northwestern	....	....	....	$1 33	$1 37	$1 36	$1 16	$1 04	$1 01	$0 98	$0 95	$0 94	$1 13
. 2 northwestern	$1 34	$1 25	$1 32	....	....	....	....	1 06	1 00	1 02	1 03	1 03	1 13
. 1 spring	..	....	....	....	....	1 30	..	1 12	1 00	95	....	....	1 09
. 2 spring	1 30	1 26	1 30	1 36	1 27	1 29	1 30	1 09	1 00	95	93	93	1 16
. 3 spring	1 17	1 10	1 07	1 13	1 15	1 10	1 00	91	86	84	80	77	99
jected spring	90	84	78	83	90	79	68	62	66	64	62	60	74
FLOUR.													
dium to choice white, winter	6 87	6 87	6 59	6 57	6 75	6 66	6 42	6 00	5 37	5 00	5 00	5 00	6 22
ncy Minnesota extras	7 87	7 87	7 68	7 95	8 25	8 25	8 17	7 75	7 35	6 87	6 75	6 42	7 60
oice spring extras	6 87	6 87	6 71	6 82	7 00	6 91	6 75	6 47	6 02	5 53	5 50	5 50	6 41
mmon to good spring extras	5 75	5 75	5 64	5 62	5 75	5 64	5 51	5 37	4 80	4 40	4 37	4 37	5 25
ring supers	4 12	4 12	4 03	4 00	4 00	4 00	4 00	3 59	3 38	3 25	3 25	3 25	3 75

1883.

Article.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Yearly average.
WHEAT.													
. 1 northwestern	$1 00	$1 09	$1 09	$1 09	$1 14	$1 11	$1 07	$1 08	$1 03	$ 99	$1 01	$ 99	$1 06
. 2 northwestern	1 01	1 08	1 10	1 08	1 15	1 02	..	1 06	1 00	1 00	97	97	1 04
. 1 spring	....	1 02	....	....	....	....	....	....	97	94	....	....	98
. 2 spring	98	1 07	1 07	1 07	1 11	1 07	1 00	1 01	96	92	95	97	1 01
. 3 spring	83	91	92	92	95	90	84	89	87	82	82	82	87
jected spring	64	73	70	73	85	65	....	....	66	68	64	58	69
FLOUR.													
dium to choice white, winter	5 21	5 47	5 50	5 50	5 59	5 52	5 50	5 41	5 40	5 37	5 37	5 28	5 43
ncy Minnesota extras	6 59	6 72	6 77	6 94	7 00	6 90	6 62	6 50	6 50	6 50	6 47	6 12	6 64
oice spring extras	5 25	5 25	5 25	5 27	5 37	5 30	5 25	5 25	5 30	5 34	5 20	5 03	5 25
mmon to good spring extras	4 37	4 37	4 37	4 41	4 50	4 47	4 37	4 37	4 37	4 37	4 36	4 25	4 38
ring supers	3 00	3 00	3 00	3 03	3 12	3 02	2 87	2 87	2 87	2 87	2 87	2 87	2 95

APPENDIX C.

Schedule of rates on wheat (in cents per bushel) from Chicago to New York, via all rail.

[Based upon rates per hundred pounds, Statement No. 32, Albert Fink's Report of 1884, and Circular No. 523, issued July 26, 1883 (percentages).]

Shipping points from—	June 1, 1883.			April 14, 1880.			June 23, 1879.			April 13, 1876.			Mileage.
	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	
MICHIGAN.													
Adrian	16.6	13.8	16.6	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
Allegan	18	15	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
Battle Creek	18	15	18	21	16.6	19.3	19.3	13.8	22.1	23	13.9	16	[illegible]
Cassopolis	18	15	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
Charlotte	17.1	14.3	17.1	21	16.6	19.3	19.3	13.8	22.1	23.2	14	16.2	[illegible]
Detroit	14.1	11.7	14.1	17.2	13.7	15.9	17.1	12.3	19.6	21.9	13.3	15.3	570
Grand Rapids	18	15	18	21.9	17.3	20.2	20.2	14.4	23	24.5	14.8	17.1	[illegible]
Hillsdale	16.6	13.8	16.6	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
Jackson	16.6	13.8	16.6	20.2	15.9	18.6	18.6	13.3	21.2	21.9	13.3	15.3	[illegible]
Jonesville	16.6	13.8	16.6	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
Kalamazoo	18	15	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
Lansing	17.1	14.3	17.1	21	16.6	19.3	19.3	13.8	22.1	23	13.9	16	[illegible]
Manchester	16.6	13.8	16.6	.....	.....	.....	.....	.....	.....	.....	.....	.....	791
Monroe	14.1	11.7	14.1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Niles	18	15	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nottawa	18	15	18	21.2	16.7	19.5	19.5	14	22.2	23.5	14.2	16.4	577
Plainwell	18	15	18	21.4	16.9	19.7	19.7	14.1	22.6	23.7	14.4	16.6	615
Port Huron	14.1	11.7	14.1	17.2	13.7	15.9	.....	.....	.....	.....	.....	.....	570
Schoolcraft	18	15	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
South Lyon	16.6	13.8	16.6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sturgis	17.5	14.6	17.5	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
Three Rivers	18	15	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	[illegible]
OHIO.													
Akron	12.8	10.7	12.8	16	12.6	14.7	14.9	10.7	17	16	9.7	11.3	.....
Arcadia	14.2	11.9	14.2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Athens	14.1	11.7	14.1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bellefontaine	15	12.5	15	18.8	14.9	17.3	17.2	12.3	19.7	19.9	12.1	14	[illegible]
Burgoon	14.1	11.7	14.1	17.2	13.7	15.9	.....	.....	.....	.....	.....	.....	.....
Cambridge	13.4	11.2	13.4	16.4	13	15	15	10.8	17.3	16.3	9.8	11.3	.....
Canton	12.8	10.7	12.8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Carey	14.2	11.9	14.2	17.8	14.1	16.4	.....	.....	.....	.....	.....	.....	.....
Cecil	16.2	13.5	16.2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Celina	15.3	12.8	15.3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Chillicothe	14.4	12	14.4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Cincinnati	15.7	13	15.7	19.8	15.7	18.3	18.3	13	20.9	21.4	13	15	[illegible]
Circleville	14.4	12	14.4	18.1	14.3	16.7	16.7	12	19.1	18.8	11.4	13.2	.....
Cleveland	12.8	10.7	12.8	16	12.6	14.7	15.4	11.1	17.6	16.8	10.2	11.7	[illegible]
Clyde	14.1	11.7	14.1	17.2	13.7	15.9	.....	.....	.....	.....	.....	.....	.....
Columbus	14	11.6	14	17.6	14	16.2	16.2	11.6	18.5	18	10.9	12.6	[illegible]
Continental	15	12.5	15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Crestline	13.8	11.4	13.8	17.1	13.6	15.8	16.2	11.6	18.5	18	10.9	12.6	[illegible]
Creston	12.8	10.7	12.8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Dayton	15.1	12.6	15.1	18.9	15	17.4	17.4	12.5	19.9	20.1	12.2	14.1	841
Defiance	15.3	12.8	15.3	19.4	15.3	17.9	.....	.....	.....	.....	.....	.....	.....
Delaware	14	11.6	14	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Delphos	15	12.5	15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Deshler	14.4	12	14.4	18.2	14.4	16.8	.....	.....	.....	.....	.....	.....	.....
Enterprise	15.3	12.8	15.3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Findlay	14.2	11.9	14.2	17.8	14.1	16.4	.....	.....	.....	.....	.....	.....	.....
Forest	14.2	11.9	14.2	17.8	14.1	16.4	16.8	12	19.2	19.1	11.6	13.4	.....
Fostoria	14.1	11.7	14.1	17.2	13.7	15.9	.....	.....	.....	.....	.....	.....	.....
Fremont	14.1	11.7	14.1	17.2	13.7	15.9	.....	.....	.....	.....	.....	.....	.....
Galion	13.8	11.4	13.8	17.1	13.6	15.8	16.2	11.6	18.5	.....	.....	.....	[illegible]
Gallipolis	15.7	13	15.7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Greenfield	15	12.5	15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Greenville	15.3	12.8	15.3	19.4	15.3	17.9	17.9	12.8	20.4	10.7	12.5	14.4	.....
Green Springs	14.1	11.7	14.1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hillsborough	15.7	13	15.7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Holgate	15	12.5	15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Huron	14.1	11.7	14.1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Ironton	15.7	13	15.7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Jackson	14.8	12.3	14.8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

dule of rates on wheat (in cents per bushel) from Chicago to New York, &c.—Cont'd.

ping points from—	June 1, 1883.			April 14, 1880.			June 23, 1879.			April 13, 1876.			Mileage.
	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	
—Continued.													
n	14.4	12	14.4										
ster	14.1	11.7	14.1	17.8	14.1	16.4	16.4	11.7	18.7	18.3	11	12.8	
e	14.4	12	14.4										
	14.4	12	14.4	18.7	14.8	17.2							
e	14.1	11.7	14.1										
ield	13.8	11.4	13.8	17.1	13.6	15.8	16	11.4	18.2	17.5	10.6	12.2	708
ta	13.4	11.2	13.4	16.6	13.2	15.3	15.3	11	17.5	16.5	10	11.5	
n	14.2	11.9	14.2	17.8	14.1	16.4	16.6	11.9	19	18.6	11.2	13	729
lon	12.8	10.7	12.8										
ub	14.2	11.9	14.2										
d Centre	14.3	12	14.3	18.1	14.3	16.7	16.7	12	19.1	18.8	11.4	13.2	768
eville	14.1	11.7	14.1	17.2	13.7	15.9							
Vernon	14	11.6	14	17.5	13.9	16.1	16.1	11.5	18.4	17.8	10.8	12.4	
k	13.4	11.2	13.4	16.9	13.4	15.6	15.6	11.2	17.8	17	10.3	11.9	768
omerstown	13.4	11.2	13.4										
lk	14.1	11.7	14.1										
burg	15.7	13	15.7										
	15.1	12.6	15.1	18.9	15	17.4	17.4	12.5	19.9	20.1	12.2	14.1	884
oy	15.7	13	15.7										
outh	15.7	13	15.7										
sky	14.1	11.7	14.1	17.2	13.7	15.9	16.4	11.7	18.7	18.3	11	12.8	691
	13.8	11.4	13.8	17.1	13.6	15.8							708
	15.1	12.6	15.1	19.2	15.1	17.6	17.6	12.6	20.2	20.4	12.3	14.2	798
Charleston	14.8	12.3	14.8										
rville	15	12.5	15										
s Corners	14.1	11.7	14.1										
field	14.8	12.3	14.8	18.5	14.6	17	17	12.2	19.4	19.4	11.7	13.6	793
ville	14.2	11.9	14.2										
	14.1	11.7	14.1	17.2	13.7	15.9							
	14.1	11.7	14.1	17.2	13.7	15.9	17.1	12.3	19.6	20.1	12.2	14.1	741
	15.1	12.6	15.1										
Sandusky	14.1	11.7	14.1	17.8	14.1	16.4							
a	14.8	12.3	14.8	18.5	14.6	17	17	12.2	19.4	19.4	11.7	13.6	793
Vert	15.3	12.8	15.3										
n	13.8	11.4	13.8	17.1	13.6	15.8							
lles	15.5	12.9	15.5										
ngton C. H	15	12.5	15										
rly	15	12.5	15										
ngton	13.8	11.4	13.8										
borough	18	15	18										
on	14.8	12.3	14.8										
	15	12.5	15	18.7	14.8	17.2	17.2	12.3	19.7	19.6	11.9	13.8	
stown	12	10	12	15.2	12	14	14	10	16	14.5	8.7	10.1	
rille	13.4	11.2	13.4	16.9	13.4	15.6	15.6	11.2	17.8	17	10.3	11.9	
NDIANA.													
ndria	16.6	13.8	16.6										
	18	15	18	22.8	18	21							
son	16.6	13.8	16.6	20.5	16.2	18.9	18.9	13.5	21.6	22.4	13.6	15.7	884
	18	15	18										
n	16.6	13.8	16.6	20.5	16.2	18.9							
n Junction	16.6	13.8	16.6	20.5	16.2	18.9							
	16.6	13.8	16.6	20.5	16.2	18.9							
r Hill	17.5	14.6	17.5										
	16.6	13.8	16.6	20.5	16.2	18.9							
idge City	16.2	13.5	16.2	20.2	15.9	18.6	18.6	13.3	21.2	21.9	13.3	15.3	
ol	17.5	14.6	17.5										
bia City	16.7	14	16.7	20.5	16.2	18.9							
rsville	16.2	13.5	16.2										
ordville	18	15	18	21.9	17.3	20.2	20.2	14.4	23	24.5	14.8	17.1	
Point	18	15	18										
ir	16.2	13.5	16.2										
ith	16.2	13.5	16.2										
t	18	15	18										899
l	17.1	14.3	17.1										
rille	19.4	16.2	19.4	24.6	19.4	22.7	22.7	16.2	25.9	27.9	16.8	19.4	1,093
Wayne	16.2	13.5	16.2	20	15.8	18.5	18.5	13.2	21.1	21.7	13.1	15.1	835
	16.2	13.5	16.2										

Frankfort	17.3	14.4	17.3									
Goshen	17.5	14.6	17.5	21.7	17.1	20						
Granger	18	15	18									
Greencastle	18	15	18	21.9	17.3	20.2	20.2	14.4	23	24.5	14.8	17.
Greensburg	16.7	14	16.7									
Hagerstown	16.2	13.5	16.2	20	15.8	18.5	18.5	13.2	21.1	21.7	13.1	15.
Hartford City	16.2	13.5	16.2									
Huntington	16.7	14	16.7									
Indianapolis	16.7	14	16.7	21.2	16.7	19.5	19.5	14	22.3	23.5	14.2	16.
Jeffersonville	17.3	14.4	17.3	21.9	17.3	20.2	20.2	14.4	23	24	14.5	16.
Kendallville	16.6	13.8	16.6	20.5	16.2	18.9						
Knox	18	15	18									
Kokomo	17.3	14.4	17.3	21.4	16.9	19.7	19.7	14.1	22.6	23.7	14.4	16.
Koutts Station	18	15	18									
La Crosse	18	15	18	22.8	18	21						
La Fayette	17.6	14.7	17.6	22.3	17.6	20.6	20.6	14.7	23.5	25	15.1	17.
Laketon	17.5	14.6	17.5									
La Otto	16.6	13.8	16.6	20.5	16.2	18.9						
La Porte	18	15	18	22.8	18	21						
Logansport	17.5	14.6	17.5	21.7	17.1	20	19.7	14.1	22.6	23.7	14.4	16.
Lotts	15.3	12.8	15.3									
Lynn	15.8	13.2	15.8									
Madison	17.3	14.4	17.3	21.8	17.2	20.1	20.1	14.3	22.9	24.2	14.7	16.
Marion	17.1	14.3	17.1									
Milford	17.5	14.6	17.5	21.7	17.1	20						
Milford Junction	17.5	14.6	17.5									
Mishawaka	18	15	18									
Muncie	16.2	13.5	16.2									
New Albany	17.3	14.4	17.3									
New Castle	16.2	13.5	16.2	20.2	15.9	18.6	18.6	13.3	21.2	21.9	13.3	15.
New Haven	16.2	13.5	16.2									
Noblesville	16.7	14	16.7									
North Judson	18	15	18									
North Manchester	17.5	14.6	17.5	21.7	17.1	20						
Peru				21.7	17.1	20	19.5	14	22.3	23.5	14.2	16.
Plymouth	18	15	18	22.8	18	21						
Portland	15.8	13.2	15.8									
Redkey	16	13.4	16									
Richmond	15.8	13.2	15.8	19.8	15.7	18.3	18.3	13	20.9	21.2	12.8	14.
Ridgeville	15.8	13.2	15.8									
Rochester	18	15	18									
Rockport	19.4	16.2	19.4									
Rushville	16.2	13.5	16.2	20.5	16.2	18.9	18.9	13.5	21.6	22.4	13.6	15.
Seymour	17.3	14.4	17.3	21.8	17.2	20.1	20.1	14.3	22.9	24.2	14.7	16.
Shelbyville	16.2	13.5	16.2	21	16.6	19.3	19.3	13.8	22.1	23	13.9	16
South Bend	18	15	18	21.4	16.9	19.7	19.7	14.1	22.6	23.7	14.4	16.
South Whitley	16.7	14	16.7									
Springsborough	18	15	18									
Terre Haute	18	15	18	22.5	17.7	20.7	20.7	14.8	23.6	25.3	15.3	17.
Tipton	17.3	14.4	17.3									
Union City	15.5	12.9	15.5	19.5	15.4	18	18	12.8	20.5	20.9	12.6	14.
Valparaiso	18	15	18	22.8	18	21						
Vincennes	18.5	15.5	18.5	23.5	18.5	21.6	21.6	15.5	24.7	26.6	16.1	18.
Wabash	17.5	14.6	17.5	21.7	17.1	20						
Walkerton	18	15	18	22.8	18	21						
Wanatah	18	15	18	22.8	18	21						
Warsaw	17.5	14.6	17.5	21.7	17.1	20						
Waterloo	16.6	13.8	16.6	20.5	16.2	18.9	18.9	13.5	21.6	22.4	13.6	15.
Winchester	15.8	13.2	15.8									
ILLINOIS.												
Alton	20.9	17.4	20.9	26.7	21.1	24.6	24.6	17.6	28.1	30.2	18.3	21.
Bloomington	19.6	16.4	19.6	24.8	19.6	22.9	22.9	16.4	26.2	28.1	17	19
Cairo	21.6	18	21.6	27.4	21.6	25.2	25.2	18	28.8	31	18.7	21
Camp Point				28	22.2	25.9	25.9	18.5	29.5	31.5	19	22
Champaign				23.5	18.5	21.6	21.6	15.5	24.7	26.6	16.1	18
Chicago	18	15	18	22.8	18	21	21	15	24	25.8	15.6	18
Danville				22.8	18	21	21	15	24	25.8	15.6	18

Schedule of rates on wheat (in cents per bushel) from Chicago to New York, &c.—Continued.

Shipping points from—	June 1, 1883.			April 14, 1880.			June 23, 1879.			April 13, 1876.			Mileage.
	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	Jan. 1 to Apr. 18.	Apr. 19 to Nov. 25.	Nov. 26 to Dec. 31.	
ILLINOIS—Cont'd.													
Decatur	.....	.....	.....	24.6	19.4	22.7	22.7	16.2	25.9	27.9	16.8	19.4	1,103
East Saint Louis	20.9	17.4	20.9	26.5	20.9	24.4	24.4	17.4	27.8	30	18.1	20.9	1,144
East Burlington	20.9	17.4	20.9	26.5	20.9	24.4	.....	.....	.....	.....	.....	.....	.....
East Hannibal	20.9	17.4	20.9	26.5	20.9	24.4	.....	.....	.....	.....	.....	.....	.....
East Keokuk	20.9	17.4	20.9	26.5	20.9	24.4	.....	.....	.....	.....	.....	.....	.....
East Louisiana	20.9	17.4	20.9	26.5	20.9	24.4	.....	.....	.....	.....	.....	.....	.....
Effingham	.....	.....	.....	24.1	19.1	22.3	22.3	15.9	25.4	27.3	16.5	19.1	1,173
El Paso	.....	.....	.....	24.4	19.3	22.5	22.5	16.1	25.7	27.6	16.7	19.3	1,046
Howard	20.5	17.1	20.5	26	20.5	23.9	23.9	17.1	27.4	.....	.....	.....	.....
Havana	.....	.....	.....	.....	.....	.....	.....	.....	.....	29.4	17.8	20.5	.....
Jacksonville	.....	.....	.....	26.5	20.9	24.4	24.4	17.4	27.8	30	18.1	20.9	1,159
Joliet	18.7	15.6	18.7	.....	.....	.....	.....	.....	.....	.....	.....	.....	963
Lincoln	.....	.....	.....	25.1	19.8	23.1	23.1	16.5	26.4	28.4	17.2	19.8	.....
Litchfield	20.9	17.4	20.9	25.7	20.3	23.7	23.7	17	27.1	29.1	17.6	20.3	.....
Marshall	18	15	18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mason City	.....	.....	.....	25.5	20.2	23.5	23.5	16.8	26.9	28.9	17.5	20.2	.....
Matteson	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mattoon	18.9	15.8	18.9	23.9	18.9	22	22	15.8	25.2	27.1	16.4	18.9	1,079
Naples	.....	.....	.....	27.1	21.4	25	25	17.9	28.6	30.7	18.6	21.4	1,159
Odin	20	16.7	20	25.3	20	23.3	23.3	16.7	26.6	28.6	17.3	20	.....
Pana	19.6	16.4	19.6	24.8	19.6	22.9	22.9	16.4	26.2	28.1	17	19.6	1,079
Paris	.....	.....	.....	22.8	18	21	21	15	24	25.8	15.6	18	.....
Pekin	19.8	16.5	19.8	25.1	19.8	23.1	23.3	16.7	26.6	28.6	17.3	20	1,079
Peoria	19.8	16.5	19.8	25.1	19.8	23.1	23.1	16.5	26.4	28.4	17.2	19.8	1,079
Quincy	20.9	17.4	20.9	26.5	20.9	24.4	26.3	18.8	30	32.3	19.5	22.5	1,217
Rock Island	20.9	17.4	20.9	26.5	20.9	24.4	25.2	18	28.8	31	18.7	21.6	.....
Sandoval	.....	.....	.....	.....	.....	.....	.....	.....	.....	29.1	17.6	20.3	1,173
Sandwich	.....	.....	.....	.....	.....	.....	23.7	17	27.1	.....	.....	.....	.....
Seneca	18.7	15.6	18.7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Springfield	.....	.....	.....	25.5	20.2	23.5	23.5	16.8	26.9	28.9	17.5	20.2	1,103
Tolono	18.7	15.6	18.7	23.7	18.7	21.8	21.8	15.6	25	26.8	16.2	18.7	1,027
Urbana	18.5	15.5	18.5	23.5	18.5	21.6	21.6	15.5	24.7	26.6	16.1	18.5	1,027
Vandalia	.....	.....	.....	24.8	19.6	22.9	22.9	16.4	26.2	28.1	17	19.6	1,173
IOWA.													
Burlington	.....	.....	.....	.....	.....	.....	25.2	18	28.8	31	18.7	21.6	.....
Davenport	.....	.....	.....	.....	.....	.....	25.2	18	28.8	31	18.7	21.6	.....
Keokuk	.....	.....	.....	.....	.....	.....	25.6	18.3	29.3	31.5	19	22	1,231
PENNSYLVANIA.													
Erie	10.8	9	10.8	.....	.....	.....	.....	.....	.....	.....	.....	.....	534
Meadville	10.8	9	10.8	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Castle	12	10	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
MISSOURI.													
Hannibal	.....	.....	.....	.....	.....	.....	25.9	18.5	29.5	31.7	19.2	22.2	.....
Kansas City	.....	.....	.....	.....	.....	.....	30.7	21.9	35	37.7	22.8	26.3	.....
KENTUCKY.													
Lexington	17.3	14.4	17.3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Louisville	17.3	14.4	17.3	21.9	17.3	20.2	20.2	14.4	23	24.5	14.8	17.1	.....
WEST VIRGINIA.													
Wheeling	11.7	9.8	11.7	14.8	11.7	13.7	13.7	9.8	15.6	15.2	9.2	10.6	.....

NOTE.—The mileage given is that of McGraham pertaining to west bound, but can be utilized for comparisons as accepted mileage by pool companies. To make these rates of greater value as compared between actual distances, the exact mileage would have to be obtained by measurements and computations.

List of Smaller Cities.

Alabama.—Huntsville, Montgomery, Selma.

Arizona.—Tucson.

California.—Alameda, Marysville, Nevada, Oakland, Sacramento, San Jos
ton, Vallejo.

Colorado.—Colorado Springs, Leadville, Denver, Silver Cliff.

Connecticut.—Bridgeport, Bristol, Danbury, Derby, Enfield, Greenwich,
Hartford, Killingly, Manchester, Meriden, Middletown, Naugatuck, New
New Haven, New London, Newtown, Norwalk, Norwich, Plainfield, Portla
nam, Southington, Stafford, Stamford, Stonington, Stratford, Thompson,
Wallingford, Waterbury, Winchester, Windham.

Delaware.—Wilmington.

District of Columbia.—Georgetown, Washington.

Florida.—Jacksonville, Key West, Pensacola.

Georgia.—Athens, Augusta, Columbus, Macon.

Illinois.—Alton, Aurora, Belleville, Bloomington, Braidwood, Champaig
ville, Decatur, East Saint Louis, Elgin, Freeport, Galena, Galesburg, Jack
Joliet, Kankakee, La Salle, Lincoln, Litchfield, Mattoon, Mendota, Moli
mouth, Ottawa, Paris, Pekin, Peru, Rockford, Springfield, Sterling, Streat
kegan.

Indiana.—Anderson, Aurora, Columbus, Crawfordsville, Elkhart, Evansville
Jeffersonville, Kokomo, La Fayette, La Porte, Lawrenceburg, Logansport,
Michigan, Muncie, New Albany, Peru, Richmond, Seymour, South Bend, Va
Vincennes, Washington.

Iowa.—Cedar Rapids, Clinton, Council Bluffs, Creston, Fort Madison, Io
Keokuk, Lyon, Marshall, Mount Pleasant, Muscatine, Oskaloosa, Ottumw
City, Waterloo.

Kansas.—Atchison, Fort Scott, Lawrence, Leavenworth, Ottawa, Parsons,
Wyandotte.

Kentucky.—Bowling Green, Covington, Frankfort, Henderson, Hopkinsvi
ington, Maysville, Newport, Owensborough, Paducah.

Louisiana.—Baton Rouge, Shreveport.

Maine.—Auburn, Augusta, Bangor, Bath, Belfast, Biddeford, Brunswi
Elizabeth, Calais, Camden, Deering, Eastport, Ellsworth, Gardiner, Lewist
land, Saco, Waterville.

Maryland.—Annapolis, Cumberland, Frederick, Hagerstown.

Lansing, Ludington, Manistee, Marquette, Monroe, Muskegon, Niles, Pontiac, Port Huron, Saginaw, West Bay, Ypsilanti.

Minnesota.—Faribault, Mankato, Red Wing, Rochester, Stillwater, Winona.

Mississippi.—Jackson, Natchez, Vicksburg.

Missouri.—Carthage, Chillicothe, Hannibal, Jefferson City, Joplin, Louisiana, Moberly, Saint Charles, Sedalia, Springfield, Warrensburg.

Nebraska.—Lincoln, Nebraska City, Plattsmouth.

Nevada.—Carson City, Eureka, Gold Hill, Virginia City.

New Hampshire.—Claremont, Concord, Dover, Keene, Somersworth, Nashua, Portsmouth, Rochester, Manchester.

New Jersey.—Atlantic City, Bayonne, Bordentown, Bridgeton, Burlington, Camden, Chambersburg, Elizabeth, Gloucester, Hackensack, Harrison, Hoboken, Jersey City, Lambertville, Millville, Morristown, Newark, New Brunswick, Orange, Passaic, Paterson, Perth Amboy, Phillipsburg, Plainfield, Rahway, Salem, Trenton, Union.

New York.—Albany, Amsterdam, Auburn, Batavia, Binghamton, Brooklyn, Canandaigua, Catskill, Cohoes, College Point, Corning, Cortland, Edgewater, Elmira, Flushing, Geddes, Geneva, Glens Falls, Gloversville, Green Island, Hoosick Falls, Hornellsville, Hudson, Ithaca, Jamestown, Johnstown, Kingston, Lansingburg, Little Falls, Lockport, Long Island City, Malone, Mattawan, Middletown, New Brighton, Newburg, Owego, Peekskill, Plattsburg, Port Jervis, Poughkeepsie, Rochester, Rome, Saratoga Springs, Schenectady, Seneca Falls, Sing Sing, Syracuse, Troy, Utica, Watertown, West Troy, Whitehall, Yonkers.

North Carolina.—Charlotte, New Berne, Raleigh.

Ohio.—Akron, Alliance, Ashtabula, Bellaire, Canton, Chillicothe, Circleville, Dayton, Defiance, Delaware, East Liverpool, Elyria, Findlay, Fremont, Galion, Gallipolis, Hamilton, Ironton, Lancaster, Lima, Mansfield, Marietta, Massillon, Middleton, Mount Vernon, Newark, Norwalk, Piqua, Pomeroy, Portsmouth, Salem, Springfield, Steubenville, Tiffin, Urbana, Van Wert, Warren, Wooster, Xenia, Youngstown, Zanesville.

Pennsylvania.—Allegheny, Allentown, Altoona, Ashland, Beaver Falls, Bethlehem, Bradford, Bristol, Carbondale, Carlisle, Chambersburg, Chester, Columbia, Conshohocken, Corry, Danville, Dunmore, Easton, Franklin, Harrisburg, Hazleton, Huntingdon, Johnstown, Lancaster, Lebanon, Lock Haven, McKeesport, Mahanoy, Meadville, Newcastle, Norristown, Oil City, Phœnixville, Pittston, Plymouth, Pottstown, Pottsville, Reading, Saint Clair, Scranton, Shamokin, Sharon, Shenandoah, South Bethlehem, South Easton, Sunbury, Tamaqua, Titusville, Washington, West Chester, Wilkes Barre, Williamsport, York.

Rhode Island.—Bristol, Burrillville, Coventry, Cranston, Cumberland, East Providence, Johnston, Lincoln, Newport, Pawtucket, South Kingston, Warren, Warwick, Westerly, Woonsocket.

South Carolina.—Columbia, Greenville.

Tennessee.—Jackson, Knoxville.

Texas.—Brenham, Brownsville, Fort Worth, Houston, Marshall, San Antonio, Sherman, Waco.

Utah.—Salt Lake City.

Vermont.—Brattleborough, Bennington, Burlington, Colchester, Rutland, Saint Albans, Saint Johnsbury.

Virginia.—Alexandria, Danville, Fredericksburg, Lynchburg, Manchester, Petersburg, Portsmouth, Staunton, Winchester.

West Virginia.—Charleston, Martinsburg, Parkersburg, Wheeling.

Wisconsin.—Appleton, Beloit, Eau Claire, Fond du Lac, Green Bay, Janesville, Kenosha, La Crosse, Madison, Manitowoc, Neenah, Oconto, Oshkosh, Portage, Racine, Sheboygan, Stevens' Point, Watertown, Wausau.

Copy of letter sent to the secretaries of states.

UNITED STATES SENATE, *January* 30, 1885.

MY DEAR SIR: Will you kindly forward, for the use of the Committee of the United States Senate on Transportation Routes to the Seaboard, printed copies of all statute laws passed by your State bearing upon the subject of legislative control of railroads? All laws are desired that reach the subject of fixing rates, establishing of railroad commissioners, and prevention of extortion or unjust discrimination.

——— ———.

Hon. ——— ———,
Secretary of State.

Florida.—J. L. Crawford, secretary of state, stated: "No laws on the question; indications are that the legislature will pass some laws soon."

Georgia.—Have written twice; no reply as yet.

Illinois.—Henry D. Dement, secretary of state, sent two volumes.

Indiana.—Have written twice; no reply.

Iowa.—J. A. T. Hull, secretary of state, sent two volumes on the subject.

Kansas.—James Smith, secretary of state, sent the chapters of statutes relatin railroads.

Kentucky.—Clarence Egbert, secretary of state, sent two volumes of railroad l

Louisiana.—Have written twice; no reply as yet.

Maine.—J. O. Smith, secretary of state, sent volume of Revised Statutes of Ma

Maryland.—Have written twice; no reply as yet.

Massachusetts.—Henry B. Pierce, secretary of state, sent two pamphlets of gen laws.

Michigan.—H. A. Conant, secretary of state, sent two pamphlets of railroad l

Minnesota.—F. Von Baumbach, secretary of state, sent a copy of general laws.

Mississippi.—Henry C. Myers, secretary of state, sent two pamphlets.

Missouri.—M. K. McGrath, secretary of state, referred to the Hon. George G. V

Nebraska.—E. P. Roggen, secretary of state, forwarded pages 381–386 of volum laws on railroads.

Nevada.—J. M. Dormer, secretary of state, sent Governor Kinkead's report for l

New Hampshire.—A. B. Thompson, secretary of state, two volumes on general l

New Jersey.—H. C. Kelsey, secretary of state, referred us to the statutes on the ject in the library at Washington.

New York.—Joseph B. Carr, secretary of state, sent letter and two volumes of missioner's report.

North Carolina.—Has no laws of this character.

Ohio.—Have written twice; no reply as yet.

Oregon.—Have written twice; no reply as yet.

Pennsylvania.—W. S. Stenger, secretary of state, sent one volume of laws.

Rhode Island.—J. M. Addeman, secretary of state, sent one pamphlet.

South Carolina.—Have written twice; no reply as yet.

Tennessee.—William Bate, governor, sent one pamphlet.

Texas.—No reply.

Vermont.—No reply.

Virginia.—The letter was referred to G. A. Martin, railroad commissioner, "would send laws, &c., for 75 cents to $1 per volume."

West Virginia.—R. Stalnaker, jr., secretary of state, sent a bound volume of compiled laws.

Wisconsin.—E. G. Timme, secretary of state, sent the railroad laws, which are tained in the ninth annual report of the railroad commissioners.

Copy of letter sent to the mayors of large cities.

The United States Senate Committee on Transportation Routes to the Seaboar anxious to obtain information touching the commercial importance of ——, cially in relation to its grain trade and railroad facilities.

If you have a board of trade, will you kindly ask the secretary to forward b press at the committee's expense, for the use of the committee, a set of the an reports of the Board of Trade from 1873 to 1883 inclusive?

If you have no board of trade, will you kindly send me the name of some rel local statistician who will undertake to furnish the information required by the mittee?

Copy of letter to the boards of trade.

The United States Senate Committee on Transportation Routes to the Seaboard are anxious to obtain information touching the commercial importance of ———, especially in relation to its grain trade and railroad facilities. Will you kindly assist us by forwarding by express at the committee's expense, for the use of the committee, a set of the annual reports of your Board of Trade from 1873 to 1883 inclusive? By complying with this request you will greatly oblige.

——— ———.

LIST OF LARGE CITIES.

EASTERN ATLANTIC.

Portland.—M. N. Rich, secretary of Board of Trade, referred us to Nimmo's reports and Baltimore Board of Trade reports. No provision made by the board for gathering statistics. Declined filling schedules.

Boston.—E. J. Howard, secretary of Board of Trade, sent 8 pamphlets, descriptive rather than statistical. Sent schedules but received no reply.

Providence.—F. P. Little, secretary of Board of Trade, sent an essay and newspaper containing some statistics. If he could would furnish information. Sent schedules.

MIDDLE ATLANTIC.

New York City.—F. G. Gardner, Chamber of Commerce, sent 2 pamphlets and a number of articles on the subject. Have also reports from various local institutions. E. H. Walker, of Produce Exchange, sent a full set of reports (12).

Buffalo.—William Thurston, secretary of Merchants' Exchange, sent three pamphlets, and stated, "As he had to get up the reports himself, he would like the pecuniary return the committee had to offer."

Dunkirk.—D. Mosely Smith sent paper and essay; no board of trade.

Oswego.—H. C. Stillman, secretary of Board of Trade, forwarded a statement on barley; almost nothing in regard to wheat.

Rochester.—H. L. Fish; no papers; no board of trade.

Ogdensburg.—W. L. Proctor, mayor, will do what he can.

Philadelphia.—George C. Pierie, secretary of Chamber of Commerce, two pamphlets.

Pittsburgh.—Mr. George H. Thurston was suggested, but he desires remuneration. G. A. Follonsbee sent two reports.

Erie.—Douglas Benson, secretary of Board of Trade, sent six very good reports.

Wilmington, Del.—E. A. Van Trump stated that no reports of the Board of Trade were issued, and offered his assistance.

SOUTHERN ATLANTIC.

Baltimore.—George U. Porter, secretary of Board of Trade, filled out schedules, and sent in a bill for $50.

Norfolk.—William Lamb, mayor, sent two pamphlets; Board of Trade issues no report.

Newport News.—W. A. Post sent an essay.

Richmond.—R. E. Blankenship, Chamber of Commerce, sent pamphlet, and "regretted that he could not send definite information."

Wilmington.—A. H. Van Bokkelin, Chamber of Commerce, sent letter, pamphlet, and essay.

Charleston.—E. Willis sent two pamphlets and essay.

Atlanta.—H. M. Cottingham, secretary of Chamber of Commerce, stated that until recently the organization was merely a means of business protection; no reports; sent schedules.

Savannah.—Joseph L. Taylor sent a long letter and two pamphlets.

Mobile.—A. Pope Saint John, of Chamber of Commerce, loaned a bound volume of all the reports.

New Orleans.—W. M. Smallwood, secretary of Produce Exchange; no reports. Mr. Smallwood desires remuneration.

Galveston.—Not heard from.

CENTRAL WESTERN.

Cleveland.—X. X. Crum, secretary of Board of Trade, sent schedules, and Mr. Crum returned two filled.

Columbus.—C. G. Lord, secretary of Board of Trade, asked for information and we sent schedules, but he declined to fill them.

Rock Island.—J. R. Robinson, Business Men's Association, sent pamphlets.

Des Moines.—H. P. Bushnell, secretary of the Board of Trade, sent one pamphlet; statistics.

Quincy.—Not heard from.

Dubuque.—A. B. Lewis, statistician, asked for explanation and compensation.

Burlington.—E. A. Breuizer, Board of Trade, sent 3 pamphlets, and stated he wo have the schedules made out; declined offer.

Saint Louis.—G. H. Morgan, Board of Trade, sent 9 reports, but declined to schedules.

Kansas City.—W. H. Miller, secretary of Board of Trade, sent 7 reports.

Saint Joseph.—H. C. Adams, secretary of Board of Trade, will send reports if he get them.

WESTERN.

Topeka.—J. S. Collins, secretary of Board of Trade, no reports, but will fill sched as soon as he can.

Omaha.—Thomas Gibson, secretary of Board of Trade, no reports; sent schedul

Emporia.—S. B. Riggs, formerly secretary of Board of Trade (board now defun

Cheyenne.—Louis Kirk; no statistics.

Denver.—Not heard from.

Ogden, Utah.—A. H. Nelson will furnish information. if possible, no reports.

San Francisco.—H. L. Smith, secretary of Board of Trade, sent two pamphlets, offered to fill schedule for $250; declined.

Los Angeles.—John M. Davies sent one pamphlet.

Detroit.—John MacIver, secretary of Board of Trade, sent 4 pamphlets, circu and essay, and filled schedules.

Milwaukee.—W. J. Langson, Chamber of Commerce, sent 8 reports; will fill sch ules as soon as possible.

Duluth.—J. D. Ensign, mayor, sent only report published.

Saint Paul.—C. A. McNeale, Chamber of Commerce, sent 1 pamphlet and sched filled.

Minneapolis.—C. C. Sturtevant, Chamber of Commerce, sent 3 pamphlets, who try to fill schedules.

Fargo.—A. W. Edwards, Chamber of Commerce, 1 pamphlet.

Moorhead.—Not heard from.

Bismarck.—M. H. Jewell, of the Bismarck Tribune, asked for information; schedules; will give them attention.

Astoria.—Chamber of Commerce sent three pamphlets. E. C. Holden is secreta

Tacoma.—Not heard from.

Whatcom.—Not heard from.

Port Huron.—No board of trade; the name of P. Murphy was suggested.

Portland.—F. K. Arnold, secretary of Board of Trade, sent pamphlet. Compen tion asked.

SOUTHWESTERN.

Louisville.—J. M. Wright, secretary of the Board of Trade, sent 4 pamphlets; schedules, which will receive attention.

Nashville.—O. H. Hight, secretary of Merchants' Exchange, sent report and give schedules attention.

Chattanooga.—J. E. MacGowan, of Chattanooga Times, no reports; no statistic

Cairo.—Not heard from.

Memphis.—E. A. Keeling, secretary of Merchants' Exchange, sent a report and newspapers. Exchange only in existence for two years.

Meridian.—Harris Dickson, secretary of Cotton Exchange; only in existence year.

Dallas.—C. A. King, Merchants' Exchange, no reports.
Little Rock.—W. C. Stevens, Cotton and Produce Exchange, no reports.
Santa Fé.—Arthur Boyle, secretary of Board of Trade; board of recent origin; first report will be issued this month.
Austin.—Prof. S. G. Sneed, no reports; sent schedules.
Laredo.—William Hayden, statistician.
Montreal, Canada.—G. Hadrill, sent complete set of reports from 1870 to 1884.

Copy of letter to States having railroad commissions.

UNITED STATES SENATE,
January 30, 1885.

The United States Senate Committee on Transportation Routes to the Seaboard have in course of preparation a continuation of the well-known Windom report on transportation routes to the seaboard, from 1873 to the present time. In view of this will you kindly send, at the committee's expense, for the use of the committee, a copy of each of your annual or biennial reports on railroads for the years covering the period 1873–1883 inclusive? In so doing you will greatly facilitate an important investigation and oblige the committee.

——— ———.

Copy of letter written to governors of States having no commissions.

UNITED STATES SENATE,
January 30, 1885.

The Committee of the United States Senate on Transportation Routes to the Seaboard have in course of preparation a continuation of the Windom report on transportation routes to the seaboard, made in 1873. In the prosecution of the inquiry it is important that we should obtain such statistics as may have been published by the State of ——— in relation to railroads, rates of freight, &c., between the years 1873 and 1883 inclusive.

As I believe your State has no regular railroad commission, will you cause to be sent to me, at the committee's expense, for the use of the committee, any printed documents that the State of ——— may have published during the period in question relating to this subject? Also, will you kindly suggest to me the name of some competent statistician, whom the committee might rely on to obtain for them such information as may from time to time be required in the course of the investigation?

——— ———.

STATE LIST.

Alabama.—J. K. Jackson, secretary of commission, will send reports as soon as issued; former ones exhausted.
Arizona.—J. F. Bostwick, statistician.
Arkansas.—Governor Berry suggested we write to the railroad companies.
California.—Not heard from.
Colorado.—Hon. Frank Hull's name suggested.
(NOTE.—The secretary of state wrote that the "laws of the State would not permit him to forward us the laws.")
Connecticut.—George M. Woodruff, chairman of railroad commission, sent 8 reports.
District of Columbia.—W. H. Armstrong, railroad commissioner, sent 5 volumes.
Dakota.—O. H. Holt, no reports printed.
Delaware.—M. Hayes, treasurer of Delaware Railroad.
Florida.—W. D. Bloxham, governor, referred to railroad companies. No legislation on the subject in this State.
Georgia.—A. C. Briscoe, secretary of railroad commission, sent 9 reports.
Idaho.—James L. Onderdonk, auditor, referred to railroad companies.
Illinois.—N. D. Munson, secretary of railroad commission, sent 5 reports.
Iowa.—A. R. Anderson, railroad commission, one report.
Indiana.—John B. Conner, Governor Porter sent 3 reports.
Kansas.—E. J. Turner, secretary of railroad commission, sent one report.
Kentucky.—Clarence Egbert, secretary of state, sent pamphlet.

Louisiana.—Governor McEnery suggested we apply to railroad companies. No reports issued.

Maine.—J. M. Hobbs, librarian, sent 11 reports.

Maryland.—Governor McLane, if able, would send later.

Massachusetts.—Thomas Russell, railroad commissioner, sent 10 reports.

Michigan.—W. C. Ransom, deputy railroad commissioner, sent 6 volumes.

Minnesota.—E. S. Wamer, secretary of railroad commission, sent 5 volumes.

Mississippi.—Not heard from.

Missouri.—George C. Pratt, railroad commissioner, sent 6 reports.

Montana.—R. C. Walker, secretary of Helena Board of Trade; no reports published.

Nebraska.—Governor J. W. Dawes sent 2 pamphlets.

Nevada.—T. W. Heally, statistician.

New Mexico.—Ed. F. Brown, no reports published.

New Hampshire.—C. C. Moore, railroad commissioner, sent 9 volumes.

New Jersey.—Lebbeus B. Ward was the railroad commissioner until the commission was abolished. Mr. A. B. Reynolds is now chairman of the board of assessors.

New York.—W. C. Hudson, secretary of railroad commission, 4 reports.

North Carolina.—P. M. Hale, governor.

Ohio.—Hylas Sabine, railroad commissioner, sent 5 volumes.

Oregon.—F. K. Arnold or Benjamin I. Cohen.

Pennsylvania.—J. Simpson Africa, secretary of internal affairs, sent 4 reports.

Rhode Island.—Henry Staples, railroad commissioner, sent 12 reports.

South Carolina.—M. L. Bonham, railroad commissioner, sent one pamphlet.

Tennessee.—J. H. Savage, railroad commissioner.

Texas.—J. H. Britton, State engineer, one pamphlet.

Vermont.—Wayne Bailey, railroad commissioner, sent report for 1883–'84.

Virginia.—G. A. Martin, railroad commissioner, offered reports at 75 cents to $1 per volume.

Washington Territory.—Not heard from.

West Virginia.—James M. Mason, governor, sent journal of assembly.

Wisconsin.—N. P. Hanger, railroad commissioner, sent 4 reports.

Wyoming.—William Hale, governor, report for 1883.

Utah.—Not heard from.

Twenty-nine States have established railroad commissions or in other ways inaugurated railroad legislation. Below will be found a list of the States, together with the date of such legislation:

State.	Date.	State.	Date.
Maine	1858	Tennessee	1883
New Hampshire	1883	Mississippi	1884
Massachusetts	1869	Alabama	1881
Vermont	1855	Georgia	1879
Rhode Island	1872	South Carolina	1876
Connecticut	1853	Illinois	1871
New York	1882	Iowa	1878
Pennsylvania	1873	Wisconsin	1874
Ohio	1877	Missouri	1875
Michigan	1873	Minnesota	1876
Indiana	1879	Nebraska	1883
New Jersey	1883	Kansas	1880
Virginia	1877	Texas	1883
West Virginia	1877	California	1880
Kentucky	1881		

Pennsylvania has secretary of internal affairs; Indiana has bureau of statistics; West Virginia legislature appointed special committee, 1881; Nebraska, special committee, 1883; Texas has State engineer.

Copy of letter to consuls.

UNITED STATES SENATE, *January* 30, 1885.

The Committee of the United States Senate on Transportation Routes to the Seaboard have in course of preparation a report relating to the cost of transportation and the prices of cereals in the United States and the several countries that are likely to compete with the United States for the grain trade.

The chairman of the committee, the Hon. Nelson W. Aldrich, of Rhode Island, is

anxious to obtain the yearly average price of wheat and other principal cereals at the port of ——— for the period covering the years 1873 to 1883, inclusive, and it would facilitate the work of the committee if you would kindly forward at the earliest possible moment a brief table covering the following points:

Average price of wheat at the port of ——— for each year between 1873 and 1883, inclusive.

Annual receipts of wheat and other principal cereals, or as much as can be ascertained.

Annual shipments of wheat and other principal cereals, or as much as can be ascertained.

Principal sources of supply.

Principal points of shipment.

Rates of freight-charges from the principal grain regions to the port of ———.

Rates of freight-charges from the port of ——— to the principal points of shipment.

And any other information relating to the grain trade of the district.

The chairman of the committee has your interesting report of ———, but does not find the rates of freight nor the prices of grain given.

——— ———.

LIST OF CONSULS.

Austria-Hungary.—Buda-Pesth, Henry Stearne; Prague, Charles A. Phelps; Trieste, F. W. Hossfield; Vienna, James Riley Weaver.

Belgium.—Antwerp, John H. Steuart; Brussels, John Wilson.

Denmark.—Copenhagen, Wickham Hoffman.

France.—Algiers, Archibald K. Brown; Bordeaux, George W. Roosevelt; Havre, John B. Glover; Lyons and Dijon, Benj. F. Peixotto; Marseilles, Frank H. Mason; Nantes, H. Allston Shackelford; Nice, Thos. Wilson; Paris, George Walker; Rheims, John L. Frisbie; Rouen, Charles P. Williams.

Germany.—Aix la Chapelle, George F. Lincoln; Berlin, Mark S. Brewer; Bremen, John M. Wilson; Breslau, Henry Dithmar; Cologne, Samuel Spackman; Leipsic, James T. Du Bois; Mannheim, Rudolph W. Wolffshon; Munich, Joseph W. Harper; Stettin, Hermann Kiefer; Stuttgart, Charles Einstein.

Italy.—Genoa, James Fletcher; Leghorn, Charles P. Barnard; Messina, George H. Owen; Milan, James M. Wilson; Naples, Frank G. Haughwout; Rome, Samuel H. M. Byers.

Netherlands.—Amsterdam, David Eckstein; Rotterdam, John F. Winter.

Portugal.—Lisbon, Lewis Richmond.

Russia.—Helsingfors, Hermann Donner; Moscow, Eccles G. Van Ripèr; Odessa, George Scott; St. Petersburg, Edgar Stanton; Warsaw, Joseph Rawicz.

Spain.—Barcelona, Fred. H. Scheuch: Cadiz, Ernest L. Oppenheim; Madrid, Dwight T. Reed; Malaga, Henry C. Marston; Santander, Clodomiro Perez.

Sweden and Norway.—Christiana, Gerhard Gade; Stockholm, Nere A. Elfwing.

Switzerland.—Basle, George Gifford.

Turkey.—Beirut, John T. Robeson; Constantinople, D. Stamatiades; Smyrna, William E. Stevens.

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48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1572.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

Mr. MILLER, of California, from the Committee on Naval Affairs, submitted the following

REPORT:

[To accompany bill S. 1172.]

The Committee on Naval Affairs, to whom was referred the bill (S. 1172) for the relief of J. B. Cornell and others, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

48TH CONGRESS, 2d Session. } SENATE. { REPORT No. 1573.

IN THE SENATE OF THE UNITED STATES.

MARCH 3, 1885.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

REPORT:

The Committee on Claims, to whom was referred the petition of F. Barnard and others, of Texas, have carefully considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1883.

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SPECIAL SESSION. | SENATE. | REPORT No. 1.

IN THE SENATE OF THE UNITED STATES.

MARCH 26, 1885.—Ordered to be printed.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted the following

REPORT:

By resolution of the Senate passed the 11th instant, the Committee on Public Buildings and Grounds are instructed to inquire into the expediency of lighting the Senate Chamber by the electric process, the probable cost of the change, with the comparative cost of maintaining the same, and report to the Senate at this session.

In compliance the committee submit the following:

I. That to the limited extent they have had opportunity to consider the subject, the substitution of the incandescent electric light is by every proper consideration deemed expedient and desirable.

It is a safer, cheaper, and more salutary light than any of artificial production, avoiding the heat and vitiated air resulting from the use of gas, to which is to be ascribed, in some measure, it is believed, the impure atmosphere of the Senate Chamber; but out of abundant caution, the committee advise that further experience with and opportunity be allowed to observe the performances of this light before the substitution shall be made.

This recommendation is the more readily made since the condition of the contingent fund of the Senate for miscellaneous purposes will not warrant the expenditure which the introduction of this system would involve, if it would seem in the power of the Senate to order such expenditure in that way, when the law relating to expenditures for repairs and improvements of the Capitol and grounds provides that the same shall be made only out of appropriations for that purpose, and there is now no fund available from that source. (Statute, 1816.)

II. The estimated cost of the plant requisite to light the Chamber, cloak-rooms, corridors, and stairways of the Senate by the Edison system, on the basis of a proposal made by the Edison Company, is, in round figures, $15,000.

III. The cost of running 800 lamps of the Edison system, including interest upon the outlay for the plant where the service is by the year continuous, as in the case of the Government Printing Establishment, is ascertained will not exceed $2.84 per day of eight hours, or at the rate of 0.35 of one cent per lamp per hour, while the cost of running an equal number of lamps or lights by gas is ascertained to be $7.20 per day, or at the rate of 0.9 cent per light per hour.

On the basis, however, of light actually served (as now required) by the Edison incandescent system, where two of the larger items of cost necessarily run with the year, the comparative cost equitably stated stands, by the Edison incandescent system, at $9.50 per day of one and

thirty-five hundredths hours' actual service, against gas, including repairs of appliances, for the like time at $12.52; or per light, by the Edison system, at 1.2 cents, against gas at 1.5 cents, per light.

The saving per year on the basis of an average session of six months, and an average service of all the lights of one and thirty-five hundredths hours per day, would be for 156 working days, at $3.02, $471.12. As the service may be increased the cost of the incandescent light becomes less and the variance between the two rapidly widens.

The committee, under the circumstances of the case, have authorized the Superintending Architect of the Capitol, with the advice and approval of its chairman, to make such further arrangements as may be desirable for continuing the test of this light by the Edison or other like system, at reasonable and proper cost.

Itemized schedule of cost annexed.

SCHEDULE 1.

Assuming that the Senate is in session on an average six months each year, and that the average use of lamps is as follows:

	Hours.
For the 16 lamps in cloak-rooms	8
For the 16 lamps in corridor and stairways	12
For the 768 lamps over chamber	1

The equivalents of one lamp will be—

For cloak-rooms 16 × 8 = 1 lamp for	128
For corridor and stairways 16 × 12 = 1 lamp for	192
For Chamber 768 × 1 = 1 lamp for	768
Or, for 800 lamps $\frac{1088}{800}$ hours	1.36

SCHEDULE 2.

Edison incandescent light (800 lamps).

1. Interest on plant, $15,000, at 3 per cent	$450 00
2. Wear and tear of plant, at 10 per cent	75 00
3. Engineer for six months	600 00
	1,120 00
Six months by 26 days = 156 days; $1,200 ÷ 156 = per day	7 20
4. Replacement of lamps at rate one lamp at 85 cents per every 600 hours, 10,88 hours ÷ 600 = 1.8 lamps, at 85 cents	1 53
5. Oil, at the rate of 15 cents per hour, for 1.35 hours (per day)	19
6. Waste, at 3 cents per hour, for 1.35 hours (per day)	04
7. Allowance for extra coal, at the rate of 40 cents per hour, for 1.35 hours (per day)	54
Total per day for average time of 1.35 hours	9 50

Per light for 1.35 hours, 1.2 cents.
Per light per hour, 0.88 cents.

Gas (800 lights).

1. For 6 cubic feet per light per hour, for 1.35 hours, at $1.50 per day	$11 52
2. Repairs of appliances, burners, &c., per day	1 00
Total per day for average time of 1.35 hours	12 52

Per light for 1.35 hours, 1.5 cents.
Per light for hour, 1.15 cents.

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